Wichita Youth Wins Soap Box Derby

EXTENSION OF REMARKS
OF
HON. GARNER E. SHRIVER
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Monday, August 21, 1961

Mr. SHRIVER. Mr. Speaker, I believe it is most appropriate and timely during this debate on legislation which would assist in preventing and controlling juvenile delinquency to inform the House of an achievement yesterday of a 13-year-old Wichita, Kans., boy which has been acclaimed by the citizens of my district, the State, and Nation.

It is with considerable pride that I note the victory of Richard T. Dawson, of Wichita, in the finals of the 24th All-American Soap Box Derby held at Akron, Ohio, on Sunday. Dick is the son of Mr. and Mrs. Richard W. Dawson and he represented the Wichita Eagle and Beacon in the national competition.

Dick Dawson is representative of 50,000 young American boys in our Nation who each year devote their time and energies to building soap box racers and compete for the right to race in the national classic at Akron.

Dick had spent a year working on the planning and building of his winning racer. He had the valuable counsel and assistance of his father. Yesterday's national championship won by him over 153 other local champions represented the successful culmination of three years of Soap Box Derby competition. Dick had tried twice before in the Wichita contest but was unable to qualify for the Akron race.

I want to commend the sponsors of the Soap Box Derbies across the land along with the many newspapers who assist young boys to compete in the local and national classics. Parents are to be congratulated, too, for their vital role of lending encouragement and advice to their sons in this program.

I believe that this is one of the many constructive programs promoted by private firms and industries which is an important force in providing American communities with valuable young citizens. Such youth programs also help stem the rise of juvenile delinquency.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 22, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

From the Book of Daniel 11: 32: *The people that know God shall be strong and do exploits.*

Eternal God, Thy divine love, wisdom, and power are the inspiration and the support of the God-fearing, the heroic, and the faithful in every generation.

Grant us the guiding light of Thy holy spirit as we strive with diligence and devotion to lift the heart of humanity to the lofty heights of amity and peace.

We humbly beseech Thee that we may never forfeit our right to Thy favor and benediction by our failure to be obedient to Thy will.

May we be honest and sincere for there are those who trust us; may we be strong for there are heavy burdens to carry; may we be courageous for there is much to do and dare.

Hear us in the name of the Captain of our salvation. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1022. An act to amend the Agricultural Adjustment Act of 1938 to provide for lease and transfer of tobacco acreage allotments;

H.R. 5179. An act for the relief of the U.S. Display Corp.;

H.R. 5255. An act to clarify the status of circuit and district judges retired from regular active service;

H.R. 6244. An act for the relief of certain members of the uniformed services erroneously in receipt of family separation allowances;

H.R. 6453. An act for the relief of Earl Gupton; and

H.R. 7934. An act to authorize the Secretaries of the military departments to make emergency payments to persons who are injured or whose property is damaged as a result of aircraft or missile accidents, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 233. An act for the relief of Sonja Dolata;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 631. An act for the relief of Elwood Brunken;

S. 651. An act for the relief of Howard B. Schmutz;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Haroian;

S. 1486. An act to authorize the Comptroller of the Currency to establish reasonable maximum service charges which may be levied on dormant accounts by national banks;

S. 1742. An act to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters;

S. 1771. An act to improve the usefulness of national bank branches in foreign countries;

S. 1787. An act for the relief of Giovanna Vitiello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1908. An act to provide for a national hog cholera eradication program;

S. 1927. An act to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 2130. An act to repeal certain obsolete provisions of law relating to the mints and assay offices, and for other purposes;

S. 2295. An act to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park," approved April 30, 1890; and

S.J. Res. 108. Joint resolution to authorize the presentation of the Distinguished Flying Cross to Maj. Gen. Benjamin D. Foulois, retired.

COMMITTEE MEETING DURING HOUSE SESSION TODAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on the Impact of Imports and Exports on American Employment of the Committee on Education and Labor may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VOTE NEARS ON LEAD-ZINC SMALL PRODUCERS' BILL

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the House Committee on Rules has just granted a rule on H.R. 84, a bill to stabilize the mining of lead and zinc by small domestic producers.

There now appears to be a very good chance that this bill may be scheduled for House consideration later this week, possibly on Thursday.

Thus this body once again approaches a vote on a measure which may well be the last chance for survival of hundreds of small American lead and zinc mines, located in more than 20 States of the Union.

I earnestly hope, Mr. Speaker, that Members who supported a similar measure under the title of H.R. 8860 in the 86th Congress will continue to lend their support, and that newcomers to this House will be on hand for the full committee discussion of the bill when it reaches the floor of the House.

H.R. 84 is literally a life-or-death matter for thousands of American miners and their families. I hope and trust it will be overwhelmingly approved by the 87th Congress.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 162]

Alford	Frazier	Minshall
Andersen, Minn.	Gray	O'Brien, Ill.
	Green, Pa.	O'Hara, Mich.
Bailey	Harding	O'Konski
Bell	Harrison, Va.	Philbin
Betts	Harsha	Pilcher
Blatnik	Hébert	Pillion
Boggs	Herlong	Powell
Brooks, La.	Ikard, Tex.	Rabaut
Buckley	Jennings	Rains
Burke, Ky.	Karsten	Reece
Burke, Mass.	Kearns	Shelley
Celler	Kee	Sheppard
Coad	Keogh	Shipley
Curtis, Mo.	Kilburn	Slack
Derwinski	King, Calif.	Ullman
Dominick	Landrum	Watts
Donohue	McMillan	Westland
Doyle	Machrowicz	Wilson, Calif.
Fogarty	Milliken	
Ford	Mills	

The SPEAKER. On this rollcall, 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. DOYLE. Mr. Speaker, when I missed being personally present on the floor of this House in time to answer to the quorum call just concluded, it was because I was necessarily in attendance on official business before a U.S. Senate Subcommittee on Government Operations, which subcommittee was presided over by the distinguished Senators MUSKIE, of Maine, and JAVITS, of New York.

The subject of the Senate subcommittee hearing, at which I was personally present at shortly before 10 a.m. until adjournment of the subcommittee which was just a few minutes too late for me to be able to walk from the New Senate Office Building, where the hearing was being held, in time to answer the quorum call, was the highly important matter of the hearing on S. 1497 by the distinguished Senator from California [Mr. KUCHEL] relating to the disposition by the General Services Administration of the exceedingly valuable property, all of which is in the great 23d Congressional District which I represent: to wit, the Cheli Air Force Depot, which has been declared surplus to the Defense Department's further needs. It was my pleasant duty at that hearing to introduce to the two distinguished Senators constituting the subcommittee two councilmen of the city of Bell wherein the former Cheli Air Force property is located within the municipal limits of the city of Bell. The two councilmen from the city of Bell being Messrs. Brown and Yerian, together with the city attorney of that city, Mr. C. Casjens, who were all witnesses before the subcommittee in the interest of the city of Bell. And likewise it was my pleasure and responsibility to present to said subcommittee the honorable mayor of the city of Commerce which is also in the great 23d District, Los Angeles County: to wit, Hon. Mayor Quigley, and also the city administrator, Mr. Lawrence O'Rourke.

Mr. Speaker, a further reason that I am making this explanation of my absence to you and the other Members of this great legislative body, this being my 15th year of membership herein, is that this absence from being personally present at said quorum call is my first absence from a quorum call, or any rollcall, since the inception of this first half of this 87th Congress. Therefore, excepting this one absence, I believe my record of personal presence at yea-and-nay rollcalls, and all other quorum calls excepting this one which closed just a few minutes before I arrived here from the Senate, is 100 percent.

STATUS OF APPROPRIATIONS—REGULAR AND BACK-DOOR, 1ST SESSION, 87TH CONGRESS

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include certain tables.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, for the information of the House and the country, I include up-to-date comparative tabulations of the regular appropriation bills and identified legislative bills carrying back-door appropriation provisions. These are up-dated versions of the tables in the RECORD of last Wednesday, August 16.

With the passage in both bodies of the foreign-aid authorizations, tentative totals of the back-door provisions are now indicated. The total determinable request in the 11 identified bills is $28,670 million.

In the 10 bills cleared by the Senate, the determinable back-door total is $26,821 million.

The determinable total of the 11 bills passed by the House is $19,561 million.

The difference lies substantially in the foreign-aid bill now in conference.

The back-door spending practice is indefensible before every rule of reason and commonsense. But it is especially regrettable that the House, which since the establishment of the Republic has vigorously and successfully resisted efforts of the other body to trespass on its prerogative to originate the money bills, now almost blithely accepts the intrusions.

It is a situation which should have immediate attention.

New authority to obligate the Government carried in identified legislative bills—1st sess., 87th Cong. (public debt borrowing, contract authority, use of receipts, and authority to use existing authority)

[Please note that for some bills no amounts are shown; thus the grand totals understate the situation]

Bill and subject	Executive requests		Senate	House	Enacted	Enacted compared with executive requests—	
	Full basis	Basis comparable to enacted				Full basis	Comparable basis
1. Veteran's direct loans, multiyear (H.R. 5723; Public Law 87-84) (public debt)	[1]	[1]	$1,050,000,000	$1,050,000,000	$1,050,000,000	+$1,050,000,000	+$1,050,000,000
2. Area redevelopment, multiyear (S. 1; Public Law 87-27) (public debt)	[2] ($300,000,000)	[2] ($300,000,000)	[2] 300,000,000	[2] (300,000,000)	[2] 300,000,000	+300,000,000	+300,000,000
3. Agricultural commodities, sales for foreign currencies, for calendar year 1961 (S. 1027; Public Law 87-28) (contract authority involving subsequent reimbursement of CCC)	[4] 2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000	2,000,000,000		
4. Special milk program for fiscal year 1962 (S. 146; Public Law 87-67) (contract authority involving subsequent reimbursement of CCC)	[5] 105,000,000	[5] 105,000,000	105,000,000	105,000,000	105,000,000		
5. Special feed grain program for 1961 (H.R. 4510; Public Law 87-5) (contract authority involving subsequent reimbursement of CCC)	[6]	[6]	[6]	[6]	[6]		
6. Housing Act of 1961, multiyear (S. 1922; Public Law 87-70) (Public debt and contract authority):							
(a) FNMA, special assistance (public debt)	750,000,000	750,000,000	750,000,000	[7] 1,550,000,000	[7] 1,550,000,000	+800,000,000	+800,000,000
(b) College housing loans (public debt)	1,350,000,000	1,000,000,000	1,350,000,000	1,200,000,000	[8] 1,200,000,000	−150,000,000	+200,000,000
(c) Public facility loans (public debt)	50,000,000	50,000,000	50,000,000	500,000,000	450,000,000	+400,000,000	+400,000,000
(1) Mass transportation loans (public debt)			100,000,000		50,000,000	+50,000,000	+50,000,000
(d) Urban renewal grants (contract authority)	[9] 2,500,000,000	[9] 2,500,000,000	[9] 2,500,000,000	[9] 2,000,000,000	[9] 2,000,000,000	−500,000,000	−500,000,000
(e) Public housing (contract authority):							
(1) Annual contributions	[10] 3,146,000,000	[10] 3,146,000,000	[10] 3,146,000,000	[10] 3,146,000,000	[10] 3,146,000,000		
(2) Demonstration grants	[11] (10,000,000)	[11] (10,000,000)	[11] (10,000,000)		[11] 5,000,000	+5,000,000	+5,000,000
(f) Open space land grants (contract authority)	[12] (100,000,000)	[12] (100,000,000)		[12] (100,000,000)	[12] 50,000,000	+50,000,000	+50,000,000
(g) Mass transportation demonstration grants (contract authority)	[13] (10,000,000)	[13] (10,000,000)	[13] (50,000,000)		[13] (25,000,000)	(+15,000,000)	(+15,000,000)
(h) Farm housing loans (public debt)	[14] 207,000,000	[14] 207,000,000	[14] 207,000,000	[14] 407,000,000	[14] 407,000,000	+200,000,000	+200,000,000
Total, housing bill	8,003,000,000	7,653,000,000	[15] 8,103,000,000	8,803,000,000	8,858,000,000	+855,000,000	+1,205,000,000
Loans	(2,357,000,000)	(2,007,000,000)	(2,457,000,000)	(3,657,000,000)	(3,657,000,000)	(+1,300,000,000)	(+1,650,000,000)
Grants	(5,646,000,000)	(5,646,000,000)	(5,646,000,000)	(5,146,000,000)	(5,201,000,000)	(−445,000,000)	(−445,000,000)

See footnotes at end of table.

New authority to obligate the Government carried in identified legislative bills—1st sess., 87th Cong. (public debt borrowing, contract authority, use of receipts, and authority to use existing authority)—Continued

[Please note that for some bills no amounts are shown; thus the grand totals understate the situation]

Bill and subject	Executive requests		Senate	House	Enacted	Enacted compared with executive requests—	
	Full basis	Basis comparable to enacted				Full basis	Comparable basis
7. Cape Cod National Seashore Park (S. 857; H.R. 5786; Public Law 87-126) (contract authority)	[16] ($16,000,000)	[16] ($16,000,000)	$16,000,000	[16] ($16,000,000)	[16] ($16,000,000)		
8. Federal aid to airports, 5 years (H.R. 6580; S. 1703; H.R. 8102) (contract authority)	375,000,000			[16] (375,000,000)			
9. Mutual security loans, 5 years (H.R. 8400; S. 1983) (public debt borrowing, use of certain repayments, and contract authority):							
(a) Public debt borrowing for development loans	7,300,000,000		7,987,000,000	[22]			
(b) Use of receipts from old loans for development loans	[17] 1,487,000,000						
(c) Drawdown on Defense stocks and services for military assistance purposes (Defense can incur obligations in anticipation of reimbursement) (sec. 510)	400,000,000		200,000,000	400,000,000			
(d) Use of foreign currencies (House, sec. 611; Senate, sec. 612)	[18]		[18]	[18]			
Total, mutual security	9,187,000,000		8,187,000,000	400,000,000			
10. Highway Act of 1961 (H.R. 6713; Public Law 87-61) (diversion of general fund revenues to "trust" fund; contract authority):							
(a) Diversion of ½ of 10 percent tax on trucks, buses, and trailers [19]			1,660,000,000	1,803,000,000	1,660,000,000	+$1,660,000,000	+$1,660,000,000
11. Agricultural Act of 1961 (H.R. 6400; H.R. 8230; S. 1983; Public Law 87-128):							
(a) 1962 wheat program (use of CCC funds involving subsequent reimbursement of CCC)			[6]	[6]	[6]		
(b) 1962 feed grain program (contract authority and use of CCC funds involving subsequert reimbursement of CCC)			[6]	[6]	[6]		
(c) Agricultural commodities, sales for foreign currencies (contract authority involving subsequent reimbursement of CCC)	[20] 7,500,000,000	[20] 4,500,000,000	[20] 4,500,000,000	[20] 4,500,000,000	[20] 4,500,000,000	−3,000,000,000	
(d) Famine relief (contract authority involving subsequent reimbursement of CCC)	[21] 1,500,000,000	[21] 900,000,000	[21] 900,000,000	[21] 900,000,000	[21] 900,000,000	−600,000,000	
Total, Agricultural Act	9,000,000,000	5,400,000,000	5,400,000,000	5,400,000,000	5,400,000,000	−3,600,000,000	
Grand total (as to amounts listed)	28,670,000,000		26,821,000,000	19,561,000,000			

[1] Department endorsed need for some legislation, but no specific request was submitted by the administration. Bill extends over 6 years.
[2] Recommended usual-type authorization of appropriation to 3 revolving funds plus use of receipts derived from operations. House concurred.
[3] For 3 revolving funds plus use of receipts derived from operations.
[4] For calendar year 1961 only (to a total of $3.5 billion).
[5] Originally submitted as part of the general farm bill, to be financed in this manner for fiscal 1962 and thereafter through the more usual annual advance appropriation.
[6] Amounts not precisely determinable.
[7] Basis for this figure is set out on pp. 54-55, H. Rept. 447.
[8] For 4-year period; full executive request and Senate bill were for 5-year period.
[9] For 4-year period.
[10] Represents estimated maximum cost of annual contributions for 100,000 units of public housing to be paid out over period 40 to 45 years. See pp. 55-46, H. Rept. 447.
[11] Regular authorization for appropriation in executive request and Senate bill. House bill made no provision. Bill changed at conference stage to contract authority.
[12] Regular authorization for appropriation. Senate bill made no provision. Bill changed at conference stage to contract authority.
[13] Part of, and included in, item 6(d), urban renewal grant authority.
[14] Executive request and Senate bill proposed a 5-year extension of availability of the uncommitted balance of previous authority otherwise due to expire on June 30, 1961. (Amount variously estimated at $207,000,000 to $235,000,000; actually turned out to be $227,612,000.) House bill and final version extend such balance and add $200,000,000 additional—limited, however, to a 4-year period. See pp. 57-58, H. Rept. 447.
[15] Excludes $1,200,000,000 carried in Senate bill for veterans direct loans inasmuch as the program is also accounted for in the first bill listed in tabulation.
[16] Regular authorization for appropriation.
[17] Officially estimated at $287,000,000 for 1962 and $300,000,000 for each succeeding year.
[18] Precise amounts not identified.
[19] While technically this is not "New authority to obligate the Government," it has the same effect insofar as general budget totals and results are concerned in that it is, in final effect, the same as an expenditure from the general fund. Amounts shown taken from p. 12, S. Rept. 367. "New authority to obligate the Government" carried in the law, and requested, is $11,560,000,000 for the Interstate program over the period through 1972; but it is against the highway "trust" fund, not the general fund. Not shown here are the executive proposals (1) to increase new obligating authority for the A-B-C program; (2) to shift financing of forest and public land highways from the general fund to the "trust" fund; and (3) to redivert aviation gas tax revenues from the "trust" fund to the general fund. They are not shown because action was postponed to a later time.
[20] Enacted and Senate bills for 3 calendar years 1962-64. Full executive request was 5 years 1962-66. House was for 3 years 1962-64 with no limit, but in order to avoid gross distortion of totals and comparisons, $4,500,000,000 is arbitrarily inserted.
[21] Full executive request was for 5 calendar years 1962-66. Senate, House, and enacted are for 3 calendar years 1962-64.
[22] Usual form of appropriation authorization—$1,200,000,000 for fiscal 1962 only.

Table of appropriation bills, 87th Cong., 1st sess., as of Aug. 22, 1961

[Does not include any back-door appropriation bills]

Title	Budget estimates to House	Amount as passed House	House compared with Budget estimates	Budget estimates to Senate	Amount as passed Senate	Senate action compared with—		Final conference action	Final action compared to budget estimates to date
						Budget estimates	House action		
1961 SUPPLEMENTALS									
3d supplemental, 1961	$1,235,482,769	$803,506,119	−$431,976,650	$5,275,213,127	$4,637,419,970	−$637,793,157	+$3,833,913,851	$1,694,055,637	[1]−$3,581,157,490
Inter-American program	600,000,000	600,000,000		600,000,000	600,000,000			600,000,000	
4th supplemental, 1961	88,024,000	47,214,000	−40,810,000	88,024,000	47,214,000	−40,810,000		47,214,000	−40,810,000
Total, 1961 supplementals	1,923,506,769	1,450,720,119	−472,786,650	5,963,237,127	5,284,633,970	−678,603,157	+3,833,913,851	2,341,269,637	−3,621,967,490

See footnotes at end of table.

Table of appropriation bills, 87th Cong., 1st sess., as of Aug. 22, 1961—Continued

[Does not include any back-door appropriation bills]

Title	Budget estimates to House	Amount as passed House	House compared with Budget estimates	Budget estimates to Senate	Amount as passed Senate	Senate action compared with—		Final conference action	Final action compared to budget estimates to date
						Budget estimates	House action		
1962 APPROPRIATIONS									
Treasury-Post Office	$5,371,801,000	$5,281,865,000	−$89,936,000	$5,371,801,000	$5,327,631,000	−$44,170,000	+$45,766,000	$5,298,765,000	−$73,036,000
Interior [2]	782,387,000	753,319,000	−29,068,000	782,387,000	813,399,850	+31,012,850	+60,080,850	779,158,650	−3,228,350
Labor-HEW	4,282,148,081	4,327,457,000	+45,308,919	5,004,131,081	5,161,380,000	+157,248,919	+833,923,000		
Legislative	105,647,577	104,353,335	−1,294,242	136,082,802	135,432,065	−650,737	+31,078,730	135,432,065	−650,737
State, Justice, Judiciary	805,584,202	751,300,050	−54,284,152	805,584,202					
Agriculture	6,089,244,000	5,948,466,000	−140,778,000	6,089,244,000	5,967,457,500	−121,786,500	+18,991,500	5,967,494,500	−121,749,500
Loan authorizations	(612,000,000)	(629,900,000)	(+17,900,000)	(612,000,000)	(725,500,000)	(+113,500,000)	(+95,600,000)	(725,500,000)	(+113,500,000)
Independent offices	8,625,561,000	8,404,098,000	−221,463,000	9,174,561,000	9,098,769,500	−75,791,500	+694,671,500	8,966,285,000	−208,276,000
General Government-Commerce	666,278,000	626,958,000	−39,320,000	666,278,000	650,438,200	−15,839,800	+23,480,200	641,135,800	−25,142,200
Defense	42,942,345,000	42,711,105,000	−231,240,000	46,396,945,000	46,848,292,000	+451,347,000	+4,137,187,000	46,662,556,000	+265,611,000
District of Columbia	(292,438,188)	(268,122,400)	(−24,315,788)						
Loan authorization	(24,600,000)	(29,000,000)	(+4,400,000)						
Federal payment	39,753,000	32,753,000	−7,000,000						
Military construction	1,035,568,000	883,359,000	−152,209,000	1,047,568,000	1,020,146,750	−27,421,250	+136,787,750		
Public works									
Mutual security									
Supplemental									
Total, 1962 appropriations	70,746,316,860	69,825,033,385	−921,283,475	75,474,582,085	75,022,946,865	+353,948,982	+5,981,966,530	68,450,827,015	−166,471,787
Total, all appropriations	72,669,823,629	71,275,753,504	−1,394,070,125	81,437,819,212	80,307,580,835	−324,654,175	+9,815,880,381	70,792,096,652	[1]−3,788,439,277
Total, loan authorizations	(636,600,000)	(658,900,000)	(+22,300,000)	(612,000,000)	(725,500,000)	(+113,500,000)	(+95,600,000)	(725,500,000)	(+113,500,000)

[1] Major reductions include two items submitted directly to Senate (S. Doc. 19): (1) $2,969,525,000 to restore funds of Commodity Credit Corporation. Entire estimate disallowed in conference; $1,951,915,000 resubmitted for 1962 in budget estimates for Agriculture (H. Doc. 155); (2) $490,000,000 for "Payment to the Federal extended compensation account." Reduction made by Senate. Resubmitted to Senate for 1962 in Labor-HEW bill (S. Doc. 30).

[2] Includes borrowing authority as follows: Budget estimate, $15,000,000; House reported and passed, $10,000,000; Senate reported and passed, $10,000,000.

NOTE.—Indefinite appropriations are included in this table.

SUBCOMMITTEE ON LABOR OF COMMITTEE ON EDUCATION AND LABOR

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Labor of the Committee on Education and Labor may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FACILITATING THE BUSINESS OF THE FEDERAL COMMUNICATIONS COMMISSION

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 2034) to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 996)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2034) to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That subsection (c) of section 5 of the Communications Act of 1934, as amended, relating to a 'review staff', is hereby repealed.

"SEC. 2. Subsection (d) of section 5 of the Communications Act of 1934, as amended, is amended to read as follows:

"'(d)(1) When necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, the Commission may, by published rule or by order, delegate any of its functions (except functions granted to the Commission by this paragraph and by paragraphs (4), (5), and (6) of this subsection) to a panel of commissioners, an individual commissioner, an employee board, or an individual employee, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter; except that in delegating review functions to employees in cases of adjudication (as defined in the Administrative Procedure Act), the delegation in any such case may be made only to an employee board consisting of three or more employees referred to in paragraph (8). Any such rule or order may be adopted, amended, or rescinded only by a vote of a majority of the members of the Commission then holding office. Nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in clauses (2) and (3) of section 7(a) of the Administrative Procedure Act, of any hearing to which such section 7(a) applies.

"'(2) As used in this subsection (d) the term "order, decision, report, or action" does not include an initial, tentative, or recommended decision to which exceptions may be filed as provided in section 409(b).

"'(3) Any order, decision, report, or action made or taken pursuant to any such delegation, unless reviewed as provided in paragraph (4), shall have the same force and effect, and shall be made, evidenced, and enforced in the same manner, as orders, decisions, reports, or other actions of the Commission.

"'(4) Any person aggrieved by any such order, decision, report or action may file an application for review by the Commission within such time and in such manner as the Commission shall prescribe, and every such application shall be passed upon by the Commission. The Commission, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine any order, decision, report, or action made or taken pursuant to any delegation under paragraph (1).

"'(5) In passing upon applications for review, the Commission may grant in whole or in part, or deny such applications without specifying any reasons therefor. No such application for review shall rely on questions of fact or law upon which the panel of commissioners, individual commissioner, employee board, or individual employee has been afforded no opportunity to pass.

"'(6) If the Commission grants the application for review, it may affirm, modify, or set aside the order, decision, report, or action, or it may order a rehearing upon such order, decision, report, or action in accordance with section 405.

"'(7) The filing of an application for review under this subsection shall be a condition precedent to judicial review of any order, decision, report, or action made or taken pursuant to a delegation under paragraph (1). The time within which a petition for review must be filed in a proceeding to which section 402(a) applies, or within which an appeal must be taken under section 402(b), shall be computed from the date upon which public notice is given of

orders disposing of all applications for review filed in any case.

"'(8) The employees to whom the Commission may delegate review functions in any case of adjudication (as defined in the Administrative Procedure Act) shall be qualified, by reason of their training, experience, and competence, to perform such review functions, and shall perform no duties inconsistent with such review functions. Such employees shall be in a grade classification or salary level commensurate with their important duties, and in no event less than the grade classification or salary level of the employee or employees whose actions are to be reviewed. In the performance of such review functions such employees shall be assigned to cases in rotation so far as practicable and shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency.

"'(9) The secretary and seal of the Commission shall be the secretary and seal of each panel of the Commission, each individual commissioner, and each employee board or individual employee exercising functions delegated pursuant to paragraph (1) of this subsection.'

"SEC. 3. Section 405 of the Communications Act of 1934, as amended, is hereby amended to read as follows:

"'REHEARINGS

"'SEC. 405. After an order, decision, report, or action has been made or taken in any proceeding by the Commission, or by any designated authority within the Commission pursuant to a delegation under section 5(d)(1), any party thereto, or any other person aggrieved or whose interests are adversely affected thereby, may petition for rehearing only to the authority making or taking the order, decision, report, or action; and it shall be lawful for such authority, whether it be the Commission or other authority designated under section 5(d)(1), in its discretion, to grant such a rehearing if sufficient reason therefor be made to appear. A petition for rehearing must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of. No such application shall excuse any person from complying with or obeying any order, decision, report, or action of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such order, decision, report, or action, except where the party seeking such review (1) was not a party to the proceedings resulting in such order, decision, report, or action, or (2) relies on questions of fact or law upon which the Commission, or designated authority within the Commission, has been afforded no opportunity to pass. The Commission, or designated authority within the Commission, shall enter an order, with a concise statement of the reasons therefor, denying a petition for rehearing or granting such petition, in whole or in part, and ordering such further proceedings as may be appropriate: *Provided*, That in any case where such petition relates to an instrument of authorization granted without a hearing, the Commission, or designated authority within the Commission, shall take such action within ninety days of the filing of such petition. Rehearings shall be governed by such general rules as the Commission may establish, except that no evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or designated authority within the Commission believes should have been taken in the original proceeding shall be taken on any rehearing. The time within which a petition for review must be filed in a proceeding to which section 402(a) applies, or within which an appeal must be taken under section 402(b) in any case, shall be computed from the date upon which public notice is given of orders disposing of all petitions for rehearing filed with the Commission in such proceeding or case, but any order, decision, report, or action made or taken after such rehearing reversing, changing, or modifying the original order shall be subject to the same provisions with respect to rehearing as an original order.'

"SEC. 4. Section 409 (a), (b), (c), and (d) of the Communications Act of 1934, as amended, are amended to read as follows:

"'(a) In every case of adjudication (as defined in the Administrative Procedure Act) which has been designated by the Commission for hearing, the person or persons conducting the hearing shall prepare and file an initial, tentative, or recommended decision, except where such person or persons become unavailable to the Commission or where the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably require that the record be certified to the Commission for initial or final decision.

"'(b) In every case of adjudication (as defined in the Administrative Procedure Act) which has been designated by the Commission for hearing, any party to the proceeding shall be permitted to file exceptions and memoranda in support thereof to the initial, tentative, or recommended decision, which shall be passed upon by the Commission or by the authority within the Commission, if any, to whom the function of passing upon the exceptions is delegated under section 5(d)(1): *Provided, however*, That such authority shall not be the same authority which made the decision to which the exception is taken.

"'(c)(1) In any case of adjudication (as defined in the Administrative Procedure Act) which has been designated by the Commission for a hearing, no person who has participated in the presentation or preparation for presentation of such case at the hearing or upon review shall (except to the extent required for the disposition of ex parte matters as authorized by law) directly or indirectly make any additional presentation respecting such case to the hearing officer or officers or to the Commission, or to any authority within the Commission to whom, in such case, review functions have been delegated by the Commission under section 5(d)(1), unless upon notice and opportunity for all parties to participate.

"'(2) The provision in subsection (c) of section 5 of the Administrative Procedure Act which states that such subsection shall not apply in determining applications for initial licenses, shall not be applicable hereafter in the case of applications for initial licenses before the Federal Communications Commission.

"'(d) To the extent that the foregoing provisions of this section and section 5(d) are in conflict with the provisions of the Administrative Procedure Act, such provisions of this section and section 5(d) shall be held to supersede and modify the provisions of that Act.'

"SEC. 5. Notwithstanding the foregoing provisions of this Act, the second sentence of subsection (b) of section 409 of the Communications Act of 1934 (which relates to the filing of exceptions and the presentation of oral argument), as in force at the time of the enactment of this Act, shall continue to be applicable with respect to any case of adjudication (as defined in the Administrative Procedure Act) designated by the Federal Communications Commission for hearing by a notice of hearing issued prior to the date of the enactment of this Act."

And the House agree to the same.

OREN HARRIS
WALTER ROGERS
JOHN J. FLYNT, Jr.
JOHN E. MOSS
PAUL G. ROGERS
JOHN B. BENNETT
W. L. SPRINGER
J. ARTHUR YOUNGER
VERNON W. THOMSON
Managers on the Part of the House

JOHN O. PASTORE
STROM THURMOND
GALE W. McGEE
CLIFFORD P. CASE
NORRIS COTTON
Managers on the Part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2034) to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This legislation deals exclusively with amendments to the Communications Act of 1934, referred to herein as "the Act".

Insofar as the substitute agreed to in conference differs from the House amendment in substance, the differences are explained below. Otherwise, except for clerical, conforming, and minor technical changes, the substitute agreed to in conference is the same as the House amendment.

DISPOSITION OF APPLICATIONS FOR REVIEW BY THE COMMISSION

The proposed paragraph (4) of subsection (d) of section 5 of the act, as contained in this legislation, provides that where a person is aggrieved by an order, decision, report, or action taken by any authority (that is, a panel of commissioners, an individual commissioner, or an employee board) in the exercise of review functions delegated to it by the FCC, such aggrieved person may file an application for review by the full Commission. Paragraph (4) provides that every such application shall be passed upon by the full Commission. The function of passing upon such applications is a function which under this legislation the Commission will not be authorized to delegate to anyone else.

In the House amendment, paragraph (4) contained a proviso authorizing the Commission by published rule or by order to limit the right to file such applications for review by the full Commission, in cases of adjudication (as defined in the Administrative Procedure Act), to proceedings involving issues of general communications importance.

The bill as passed by the Senate contained no such provision.

This provision is not retained in the conference substitute. The Senate members of the committee of conference did not favor it. Furthermore, some of the House members of the committee of conference did not favor the provision.

Those who favored retaining the provision felt that it would aid the members of the Commission to relieve themselves of the necessity of passing on applications for review in many cases which are relatively unimportant and of a routine nature, thereby enabling them to devote more time to the

consideration of questions of relatively major importance. However, those opposed to the provision made the point that since a party could always raise the issue of "general communications importance" and argue that his case fell in that category, the time which might be consumed by the Commission in considering and ruling on this issue might very well offset any saving of time which might otherwise be achieved by exercising the authority granted by the proviso. Furthermore, it was pointed out that the burden of passing upon applications for review is not necessarily a heavy one, since the Commission will not be required, under the legislation, to specify any reasons for its action when it grants or denies an application for review.

INDIVIDUALS SERVING ON EMPLOYEE BOARDS

Under this legislation the Commission would be authorized to delegate review functions in cases of adjudication (as defined in the Administrative Procedure Act) to boards of employees.

Both the bill as passed by the Senate and the House amendment contained special provisions with respect to the employees to whom such delegations may be made.

The Senate provision provided that such functions could be delegated to employees "who by reason of their training, experience, competence, and character are especially qualified to perform such review functions." It also provided that insofar as practicable such functions should be delegated only to employees who are "in a grade classification or salary level equal to or higher than the employee or employees whose actions are to be reviewed."

The House provision provided that such employees shall be "well qualified, by reason of their training, experience, and competence, to perform such review functions." The House provision also provided that such employees should be given no other duties than the duty of exercising such review functions. As to compensation, it provided that such employees should be paid "compensation at rates commensurate with the difficulty and importance of their duties." It contained another provision to the effect that such employees "shall not be responsible to, or subject to the supervision or direction of, any person engaged in the performance of investigative or prosecuting functions for the Commission or any other agency of the Government."

In the substitute agreed to in conference the provision on this subject, designated as paragraph (8), is similar to the provision in the House amendment but there are some differences.

Instead of providing that such employees shall perform no other duties than those concerned with the exercise of such review functions, the conference substitute provides that such employees shall "perform no duties inconsistent with such review functions".

The FCC has submitted the following examples of additional duties which, in its opinion, would not be inconsistent with the review function and which therefore could be assigned to employees serving on employee boards:

1. Drafting or analyzing legislation.
2. Studying procedures of the FCC with a view to expediting cases.
3. Assignment to Administrative Conference of the United States and performance of duties in connection with the work of such Conference.
4. Assisting Commissioners in the drafting of opinions.

The substitute provides that such employees be "in a grade classification or salary level commensurate with their important duties, and in no event less than the grade classification or salary level of the employee or employees whose actions are to be reviewed". It also contains a provision which was not in the House amendment, that in the performance of such review functions such employees shall be assigned to cases in rotation so far as practicable.

AUTHORITY TO PASS UPON EXCEPTIONS

There was another difference between the Senate bill and the House amendment—a difference more of language than of substance. In the Senate bill, in the provision (subsec. (b) of sec. 409) authorizing parties to file exceptions to initial, tentative, or recommended decisions, a proviso was included stating in effect that the authority to which the Commission delegates the function of passing on the exceptions to such a decision shall not be the same authority which made the decision. Although the House amendment contained no similar provision, it is believed that the same result would have been reached under the House amendment, reading it as a whole. Certainly there was no intention that the maker of the decision could be given authority to review its own decision. The Senate proviso is retained in the conference substitute in order that this will be abundantly clear.

OREN HARRIS,
WALTER ROGERS,
JOHN J. FLYNT, JR.,
JOHN E. MOSS,
PAUL G. ROGERS,
JOHN B. BENNETT,
WILLIAM L. SPRINGER,
J. ARTHUR YOUNGER,
VERNON W. THOMSON,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. ALBERT). This is Private Calendar Day. The Clerk will call the first individual bill on the calendar.

MIN-SUN CHEN

The Clerk called the bill (S. 316) for the relief of Min-Sun Chen.

Mr. ROBERTS. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. WALTER] I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

C. W. JONES

The Clerk called the bill (H.R. 6649) for the relief of C. W. Jones.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to C. W. Jones, Bishop, California, the sum of $41,010.35. The payment of such sum shall be in full settlement of all claims of the said C. W. Jones against the United States for reimbursement of losses incurred by him on certain sales of tungsten concentrates to the General Services Administration, during 1954, 1955, and 1956, because of the action of said Administration in rejecting portions of such tungsten concentrates as being of foreign origin: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "$41,010.35" and insert "$39,810.25".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ISEI SAKIOKA

The Clerk called the bill (H.R. 1569) for the relief of Isei Sakioka.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, Isei Sakioka may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendment:

Page 1, line 5, after the word "be" insert "issued a visa and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND CONVEYANCE—RIVERSIDE COUNTY, CALIF.

The Clerk called the bill (H.R. 1375) to provide for the conveyance of certain real property of the United States to the former owner thereof.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without consideration therefor, to Richard V. Evans and his wife Lennie E. Evans, Elsinore, California, all right, title, and interest of the United States in and to the real property, consisting of one and twenty-seven thousandths acres, more or less, originally donated to the United States by the said Richard V. Evans and his wife, Lennie E. Evans, and more particularly described in the deed dated October 7, 1946, entered into between the said Richard V. Evans, and his wife, Lennie E. Evans, and the United States of America, which deed is recorded in book numbered 797 of official records, page 149 of Seq. Records of Riverside County, California.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SANG MAN HAN

The Clerk called the bill (S. 1100) for the relief of Sang Man Han.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Sang Man Han, shall be held and considered to be the natural-born alien child of Arthur E. Schneider, a citizen of the United States: *Provided,* That the natural mother of the said Sang Man Han shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 31) relating to certain aliens.

There being no objection, the Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(5) of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254(c)):

A-2151799, Arcobasso, Joseph,
A-5649963, Echevarria, Juan Domingo,
A-2079893, Kopi, George,
A-2753728, Lopez-Aldama, Marcelino,
A-4866820, Wong, Yuen Bo,
A-1956110, Ramirez-Cordova, Pedro,
A-11598412, Foon, Moy Wah,
A-4108177, Lial, Anastasio Leon,
A-4162490, Hlistowski, John,
A-4010788, Sisto, Anthony Vito,
A-5616068, Bruno, Vito,
A-9096677, Bustamante, Jose,
A-4864576, Nemeth, Paul,
A-4579619, Stewart, James,
A-2539330, Mikkelsen, Hans Christian Gunnar,
A-1893042, Seingesser, Benjamin,
A-5275541, Hedge, Alick Smith,
A-8957696, Salas-Araiza, Felipe,
A-10381924, Filippazzo, Salvatore,
A-11589558, Cantor, Louis,
A-4603964, DeNigris, Joseph,
A-11163875, Hay, Toy Wing,
A-4445005, Malicourtis, Vrasidas,
A-4310666, Mata-Molina, Socorro,
A-3699153, Miller, Jacob,
A-1969762, Sciacca, Antoniette,
A-11890548, Thing, Moy Nom,
A-5542123, Pagani, Aldo,
A-4028658, Newton, Harold,
A-3112318, Houy, Yee,
A-8196763, Parisi, Gioacchino.

SEC. 2. That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than six months:

A-10265245, Chan, Wan,
A-9167100, Chung, Young,
A-7463525, Katz, Manfred,
A-9777398, Key, Mok,
A-1990570, Kuo, Irene Hsing-Nee.
A-10401833, Wing, Chu,
A-9528675, Wong, Chan,
A-7651542, Yu, Bei Wun Tun,
A-9653774, Lin, Toh Jung,
A-6587841, Chung, Yin Own,
A-5966273, Loy, Jow.
A-6703136, Lydakis, George John,
A-6703135, Lydakis, Penelope George,
A-10258021, Shek, Tsang,
A-9678206, Nam, Chi,
A-6794998, Namkung, Helen Mineko,
A-9632204, Pavesic, Stojan.
A-9526171, Sam, Mak,
A-9752413, Kiviranta, Eino, Aulis,
A-6943747, Partheniades, Nicholas.

With the following committee amendments:

On page 2, strike out line 10.
On page 2, strike out line 12.
On page 3, strike out line 9.
On page 3, strike out line 19.
On page 4, strike out line 3.

On page 4, at the end of the concurrent resolution, add two new sections to read as follows:

"SEC. 3. The Congress approves the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403; 68 Stat. 1044):

"A-7957556, Allen Shih-Chun Hsiao,
"A-9948078, Piccinich, Matteo Millo,
"A-10135721, Scrivanich, Nicolo Martino,
"A-10255933, Hroncich, Martino,
"A-7828472, Bohlman, Jerzy (also known as Michael George Bohlman),
"A-6920592, Kapka, Alice Mary,
"A-6920587, Kapka, Edith Majer,
"A-6920588, Kapka, Edith Rosemary,
"A-6920633, Kapka, Janos or John,
"A-6920591, Kapka, Janos or John Mary,
"A-7469190, Kapka, Mary Valery,
"A-10136154, Morin, Giovanni (also known as John Morin),
"A-9798837, Sotirion, Georgios,
"A-6667573, Wasiel, Bogdan.

"SEC. 4. The Congress favors the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011; 64 Stat. 219; 40 App. U.S.C. 1953):

"A-9660331, Zurek, Edward,
"A-9776592, Nyczkalo, Piotr or Petro Nyczkalo or Peter Nickalo,
"A-8015435, Szubert, Marijan."

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EDDIS G. ELLZEY

The Clerk called the bill (H.R. 1313) for the relief of Eddis G. Ellzey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eddis G. Ellzey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 13, 1956, upon payment of the required visa fee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSTANTINOS A. GRIGORAS (GREGORAS)

The Clerk called the bill (H.R. 3408) for the relief of Constantinos A. Grigoras (Gregoras).

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 4 of the Act of September 22, 1959 (73 Stat. 644), section 42.22(d) of title 22 of the Code of Federal Regulations shall not be applicable in the case of Constantinos A. Grigoras (Gregoras) duly registered as an immigrant on August 11, 1953.

With the following committee amendment.

On page 1, line 4, strike out "section 42.22(d)" and substitute in lieu thereof "section 42.66(a)(7)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN ALIENS

The Clerk called the bill (H.R. 4797) for the relief of certain aliens.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. AVERY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. AVERY. Mr. Speaker, I recognize the objectives of H.R. 4797 are meritorious and I regret I find it necessary to request it be passed over today. The beneficiaries of this bill, the Basques, have been the subject of unusual provisions of other legislation previously passed by the Congress. Therefore they find themselves in the peculiar position of enjoying the privilege of continued residence in this country but not in the status of the usual permanent resident. The principle difference being that they may not apply for citizenship as they might have done under the usual procedure of admittance under private legislation. They would be eligible to apply for citizenship if this bill passes.

It is not only the 13 beneficiaries named in this bill that are involved. Their spouses and minor children, some not even living in this country will acquire automatic citizenship if the beneficiaries obtain that status. I am asking this bill to be passed over in order that

the chairman of the Judiciary Committee may further assure the House by a statement in the RECORD that we are not in any way establishing a precedent for any persons admitted subsequently under general law for similar reasons. Such admittance now comes under section 101(a)(15)(H) of the McCarran-Walter Immigration Act.

Such persons should not be admitted under the illusion they may later become permanent residents and thereby apply for citizenship for themselves and for their spouses and minor children.

MRS. HELENA SULLIVAN

The Clerk called the bill (H.R. 5334) for the relief of Mrs. Helena Sullivan.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of section 101(a)(27)(B) of the Immigration and Nationality Act, Mrs. Helena Sullivan shall be deemed to be a returning resident alien.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADOLF M. BAILER

The Clerk called the bill (H.R. 1347) for the relief of Adolf M. Bailer.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Adolf M. Bailer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

On page 1, line 6, after the words "of this Act" change the comma to a period and strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WASHINGTON GEORGE BRODBER BRYAN

The Clerk called the bill (H.R. 2334) for the relief of Washington George Brodber Bryan.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Washington George Brodber Bryan, shall be held and considered to be the natural-born alien child of Clifford Randal Bryan, a citizen of the United States: *Provided,* That the natural mother of Washington George Brodber Bryan shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 7, after the words "of the United States", change the colon to a period and strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADELINA ROSASCO

The Clerk called the bill (H.R. 2666) for the relief of Adelina Rosasco.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Adelina Rosasco shall be deemed to be a nonquota immigrant, and may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of section 101(a)(27)(B) of the Immigration and Nationality Act, Adelina Benedict (nee Rosasco) shall be deemed to be a returning resident alien."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

The title of the bill was amended to read: "A bill for the relief of Adeline Benedict (nee Rosasco)."

A motion to reconsider was laid on the table.

LENNON MAY

The Clerk called the bill (H.R. 4028) for the relief of Lennon May.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Lennon May, shall be held and considered to be the natural-born alien child of Maxwell May, a citizen of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY DAWN POLSON (EMMY LOU KIM) AND JOSEPH KING POLSON (SUNG SANG MOON)

The Clerk called the bill (S. 242) for the relief of Mary Dawn Polson (Emmy Lou Kim) and Joseph King Polson (Sung Sang Moon).

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Mary Dawn Polson (Emmy Lou Kim) and Joseph King Polson (Sung Sang Moon) shall be held and considered to be the natural-born alien children of Vernon and Dawn Polson, citizens of the United States: *Provided,* That the natural parents of the beneficiaries shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. JELIZA PRENDIC MILENOVIC

The Clerk called the bill (S. 270) for the relief of Mrs. Jeliza Prendic Milenovic.

There being no objection, the Clerk read the bill, as follows:

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Jeliza Prendic Milenovic shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Jeliza Prendic Milenovic. From and after the date of the enactment of this Act, the said Mrs. Jeliza Prendic Milenovic shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GODOFREDO M. HERZOG

The Clerk called the bill (S. 333) for the relief of Godofredo M. Herzog.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Godofredo M. Herzog shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 29, 1950.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARDIROS BUDAK AND ARMENUHI MARYAM BUDAK

The Clerk called the bill (S. 427) for the relief of Mardiros Budak and Armenuhi Maryam Budak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mardiros Budak and Armenuhi Maryam Budak shall be held and construed to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the cases of Mardiros Budak and Armenuhi Maryam Budak. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FERNANDO MANNI

The Clerk called the bill (H.R. 5613) for the relief of Fernando Manni.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Fernando Manni shall be held and considered to be the parent of Renzo Grossi, a citizen of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CHEW SHEUNG TAI

The Clerk called the bill (H.R. 5729) for the relief of Mrs. Chew Sheung Tai.

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 101(a)(27)(B) of the Immigration and Nationality Act, Mrs. Chew Sheung Tai shall be deemed to be a returning resident alien.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES F. TJADEN

The Clerk called the bill (S. 731) for the relief of Charles F. Tjaden.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Charles F. Tjaden may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided,* That this Act shall apply only to grounds for exclusion under such paragraph know to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HUAN-PIN TSO

The Clerk called the bill (S. 1054) for the relief of Huan-pin Tso.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child Huan-pin Tso shall be held and considered to be the natural-born alien child of Mr. and Mrs. Ting Hsien Wang, citizens of the United States: *Provided,* That the natural parents of the said Huan-pin Tso shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALICJA ZAKREZEWSKA GAWKOWSKI

The Clerk called the bill (S. 1179) for the relief of Alicja Zakrezewska Gawkowski.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Alicja Zakrezewska Gawkowski, shall be held and considered to be the natural-born alien child of Mr. and Mrs. John Gawkowski, citizens of the United States: *Provided,* That the natural father and the stepmother of the said Alicja Zakrezewska Gawkowski shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROGER CHONG YEUN DUNNE

The Clerk called the bill (S. 1205) for the relief of Roger Chong Yeun Dunne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Roger Chong Yeun Dunne shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 10, 1950, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

W. B. J. MARTIN

The Clerk called the bill (S. 1335) for the relief of W. B. J. Martin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 201 of the Act of January 27, 1948, as amended (62 Stat. 6; 66 Stat. 276; 70 Stat. 241), shall not be applicable in the case of W. B. J. Martin.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGIA ELLEN THOMASON

The Clerk called the bill (S. 1347) for the relief of Georgia Ellen Thomason.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Georgia Ellen Thomason, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Raymond Thomason, citizens of the United States: *Provided,* That no natural parent of Georgia Ellen Thomason, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHIM DONG NYU (KIM CHRISTINE MAY)

The Clerk called the bill (S. 1450) for the relief of Shim Dong Nyu (Kim Christine May).

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Shim Dong Nyu (Kim Christine May), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Alvin L. May, citizens of the United States: *Provided,* That the natural parents of the said Shim Dong Nyu (Kim Christine May) shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES D. JALILI

The Clerk called the bill (S. 1527) for the relief of James D. Jalili.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, James D. Jalili shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 10, 1955, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREIF BROS. COOPERAGE CORP.

The Clerk called the bill (S. 1012) to direct the Secretary of the Interior to adjudicate a claim of the Greif Bros. Cooperage Corp. to certain land in Marengo County, Ala.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PURVIS C. VICKERS ET AL.

The Clerk called the bill (H.R. 3596) to direct the Secretary of the Interior to convey certain lands to Purvis C. Vickers, Robert I. Vickers, and Joseph M. Vickers, a copartnership doing business as Vickers Bros.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey all the right, title, and interest of the United States in and to a tract of land situate about 2½ miles south of town of Lake City bounded and described as follows, to wit: Beginning at corner numbered 1 situate at a point about 1,000 feet west of Lake Fork of Gunnison River, thence nearly south 4,000 feet to corner numbered 2, situate at a point about 1,000 feet distant from and nearly due west of Belle of West Bridge crossing Lake Fork of Gunnison River, thence nearly east 1,200 feet to corner numbered 3, thence early north 4,000 feet to corner numbered 4, situate at or near westerly end line of Sulperet lode mining claim patent survey numbered 589, thence nearly west 1,200 feet to corner numbered 1, place of beginning, embracing 110⅓ acres of land, more or less, in Hinsdale County, Colorado, to Purvis C. Vickers, Robert I. Vickers, and Joseph M. Vickers, a copartnership, doing business as Vickers Brothers, upon the payment of a sum equal to the costs of appraisal, costs of any necessary surveys, and the fair market value of the land conveyed, exclusive of any value added by improvements to the lands made by said Vickers Brothers, as determined by the Secretary of the Interior by contract appraisal or otherwise.

SEC. 2. Any conveyance made pursuant to section 1 of this Act shall contain the provisions, reservations, conditions, and limitations of section 24, Federal Power Act, June 10, 1920 (41 Stat. 1075) as amended by the Act of August 26, 1935 (49 Stat. 846; 16 U.S.C. 18).

SEC. 3. The execution of the conveyance directed by section 1 of this Act shall not relieve any occupants of those lands of any liability, existing on the date of that conveyance, to the United States for unauthorized use of the conveyed lands.

With the following committee amendments:

Page 1, line 3, through page 2, line 16, strike out all of section 1, and insert in lieu thereof the following language:

"That the Secretary of the Interior is hereby authorized and directed to convey to Purvis C. Vickers, Robert I. Vickers, and Joseph M. Vickers, a co-partnership doing business as Vickers Brothers, all the right, title and interest of the United States in and to a tract of land south of the town of Lake City known as tract 42 in Township 43 North, Range 4 West of the New Mexico Principal Meridian, Colorado, containing 157.07 acres of land as more specifically shown and described on a plant on file in the Office of the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. entitled "Metes and bounds survey of tract 42 of land containing 157.07 acres of land prepared to describe a tract containing the improvements of Vickers Brothers, being the area involved in S. 724, 87th Congress, and H.R. 3596, 87th Congress, Bureau of Land Management, Washington, D.C., August 4, 1961," and certified by C. E. Remington, Chief, Division of Engineering, on behalf of the Director of the Bureau of Land Management, subject, however, to reservations for public use of the bed and a ten foot strip of upland along the banks of the Lake Fork of the Gunnison River extending from the south boundary of this tract of land to the line crossing the River at the westerly extension of the southeasterly boundary of the Sulphuret lode, mineral survey number 589; Reserving further the following rights of way for public access, a strip of land ten feet on either side of the section line between sections 9 and 10 extending from State Highway No. 149 to the River and a strip of land 20 feet in width adjoining the line between angle points 9 and 10 and extending from State Highway No. 149 to the River."

Page 2, after line 16, add a new section to read as follows:

"SEC. 2. The conveyance authorized by this Act shall be made upon payment of a sum equal to the costs of appraisal, the cost of survey based upon which the plat referred to in section 1 was prepared, and the fair market value of the land, exclusive of any value added by improvements to the lands made by the Vickers Brothers or their predecessors in interest as determined by the Secretary of the Interior by contract appraisal, or otherwise, after taking into consideration reservations, conditions, and limitations contained in the conveyance."

Page 2, line 17, renumber "SEC. 2." as "SEC. 3."

Page 3, line 1, renumber "SEC. 3." as "SEC. 4."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO QUIET TITLE AND POSSESSION TO AN UNCONFIRMED AND LOCATED PRIVATE LAND CLAIM IN THE STATE OF LOUISIANA

The Clerk called the bill (H.R. 4380) to quiet title and possession to an unconfirmed and located private land claim in the State of Louisiana.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 10, 1897 (29 Stat. 517), is hereby amended by extending, as of February 10, 1897, its provisions to the private land claim of Robert Sibley, numbered 320 in the list of actual settlers submitted by Commissioners Cosby and Skipwith and reported on page 440 of volume 3 of the American State Papers, Gales and Seaton edition, embracing section 43, township 5 south, range 3 east, Saint Helena meridian, Louisiana, and containing six hundred forty-three and thirty-four one-hundredths acres.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORMAN T. BURGETT ET AL.

The Clerk called the bill (S. 705) for the relief of Norman T. Burgett, Lawrence S. Foote, Richard E. Forsgren, James R. Hart, Ordeen A. Jallen, James M. Lane, David E. Smith, Jack K. Warren, and Anne W. Welsh.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Norman T. Burgett, the sum of $623.75; (2) Lawrence S. Foote, the sum of $295.38; (3) Richard E. Forsgren, the sum of $673.58; (4) James R. Hart, the sum of $63.33; (5) Ordeen A. Jallen, the sum of $413.85; (6) James M. Lane, the sum of $172.88; (7) David E. Smith, the sum of $25.52; (8) Jack K. Warren, the sum of $296.78; and (9) Anne W. Welsh, the sum of $394.75; all of Galena, Alaska. The payment of such sums shall be in full satisfaction of all their claims against the United States for compensation for personal property damages sustained by them as a result of a fire occurring on January 3, 1960, in building UM–1, Federal Aviation Agency Station, Galena, Alaska, such building having been available to them as personnel of the Federal Aviation Agency for the storage of such personal property: *Provided,* That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney

on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. TYRA FENNER TYNES

The Clerk called the bill (S. 1443) for the relief of Mrs. Tyra Fenner Tynes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived in favor of Mrs. Tyra Fenner Tynes, New Orleans, Louisiana, and her claim for compensation for the death of her husband, Tyra Fenner Tynes, a former civilian employee of the Corps of Engineers, United States Army, who died in the Canal Zone on September 23, 1942, shall be acted upon under the remaining provisions of such Act if she files such claim with the Bureau of Employees' Compensation, Department of Labor, within six months after the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES M. NORMAN

The Clerk called the bill (H.R. 1361) for the relief of James M. Norman.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James M. Norman, of Memphis, Texas, is hereby relieved of all obligation to refund to the Federal Crop Insurance Corporation the sum of $2,001.48, representing the sum he has been determined to owe by reason of erroneous payments made by such Corporation.

With the following committee amendment:

Page 1, line 7, after the word "Corporation" change the period to a colon and insert the following: *"Provided,* That the Secretary of the Treasury is authorized and directed to reimburse the Federal Crop Insurance Corporation, out of any money in the Treasury not otherwise appropriated, the sum of $2,001.48 representing the overpayment."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WADE H. ASHLEY, JR.

The Clerk called the bill (H.R. 1434) for the relief of Wade H. Ashley, Jr.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations of time contained in section 351 of title 38, United States Code, are hereby waived in favor of Wade H. Ashley, Junior (Veterans Administration claim numbered C–15759298), and his claim for benefits (including hospitalization and outpatient care) based upon such section 351 by reason of an injury or aggravation of an injury, as the result of hospitalization at Martinsburg, West Virginia, by the Veterans Administration for treatment of a disability arising out of a jeep accident occurring in Japan in 1950, is authorized and directed to be acted upon under the remaining provisions of such section 351 if he files a claim for benefits under such section 351 within the six-month period which begins on the date of enactment of this Act. This claim is not cognizable under the tort claims procedure prescribed in title 28, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. JOSEPHINE DUBINS

The Clerk called the bill (H.R. 1527) for the relief of Mrs. Josephine Dubins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Mrs. Josephine Dubins of 7031½ North Sheridan Road, Chicago, Illinois, the widow of Sheldon Dubins, deceased, in full settlement of her claim against the United States for refund of the amount of a departure bond deposited by her deceased husband, Sheldon Dubins, on behalf of the alien, Edith Herse. Such bond was declared breached, and the amount thereof forfeited, because of the failure of alien Edith Herse to depart from the United States in accordance with the conditions of the bond: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD A. SALY

The Clerk called the bill (H.R. 5859) for the relief of Harold A. Saly.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harold A. Saly, 1861 Whitley Street, Hollywood 28, California, the sum of $3,154.15. The payment of such sum shall be in full settlement of all claims of the said Harold A. Saly against the United States arising out of the destruction of his personal property while it was stored at West Coast Van and Storage Company, Vacaville, California, as a result of a fire, while he was serving with the United States Navy: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EILEEN L. BROE

The Clerk called the bill (H.R. 6080) for the relief of Eileen L. Broe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Eileen L. Broe of San Antonio, Texas, is hereby relieved of liability to the United States in the amount of $335.17. Such sum represents the amount due the United States as an indebtedness for cost of shipment of household goods in excess of costs allowable under subsection (a) of the first section of the Administrative Expenses Act of 1946 (5 U.S.C. 73–b), in connection with shipping her personal and household effects from San Antonio, Texas, to Rio de Janeiro, Brazil, during 1960, incident to official changes of duty stations.

With the following committee amendment:

On line 9, strike out "73–b" and insert "73b–1".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THEODORE T. REILMANN

The Clerk called the bill (H.R. 6216) for the relief of Theodore T. Reilmann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of the War Claims Fund, to Theodore T. Reilmann, Cincinnati 38, Ohio, the amount certified to him under section 2 of this Act. The payment of such sum shall be in full settlement of all claims of Theodore T. Reilmann against the United States for detention benefits under section 5(a) through 5(e) of the War Claims Act of 1948, as amended by the War Claims Amendments of 1954: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be

deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Foreign Claims Settlement Commission shall promptly determine and certify to the Secretary of the Treasury the amount which would have been payable to Theodore T. Reilmann as detention benefits under section 5(a) through 5(e) of the War Claims Act of 1948, as amended by the War Claims Act Amendments of 1954, if Theodore T. Reilmann had filed a claim therefor within the period prescribed by law.

With the following committee amendments:

The amendments are as follows:

"Page 2, line 1: Strike out 'in excess of 10 per centum thereof'.

"Page 2, line 14: Before the word 'if' insert 'as'.

"Page 2, line 16: At the end thereof, strike out the period and add, 'provided his claim shall be filed within 6 months from date of enactment of this bill'."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

M. C. PITTS

The Clerk called the bill (H.R. 7264) for the relief of M. C. Pitts.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of sections 15 to 20, inclusive, of the Federal Employees' Compensation Act, as amended (5 U.S.C. 765–770), the Secretary of Labor is authorized and directed (1) to consider any claim filed within one year after the enactment of this Act by M. C. Pitts, of Okeechobee, Florida, for compensation for disability resulting from an injury incurred by him on September 20, 1950, while performing services as postmaster at Okeechobee, Florida, and (2) to award to the said M. C. Pitts any compensation to which he would have been entitled had such claim been filed within the time and in the manner provided by such sections.

With the following committee amendments:

Page 1, line 9, after the word "injury" insert "alleged to have been"; strike out "20" and insert "16".

Page 2, at the end thereof change the period to a colon and add *"Provided,* That no benefits shall accrue by reason of the enactment of this Act for any period prior to its enactment, except in case of such medical or hospitalization expenditures as may be deemed reimbursable."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT R. SERPA

The Clerk called the bill (H.R. 7473) for the relief of Albert R. Serpa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert R. Serpa, of New Bedford, Massachusetts, the sum of $1,485.80. Such sum represents reimbursement to the said Albert R. Serpa for paying out of his own funds judgments rendered against him, and costs, in the United States District Court, District of Massachusetts, as the result of an accident occurring when said Albert R. Serpa was operating a Government motor vehicle in the course of his duties as an employee of the United States Post Office Department: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DENNIS H. O'GRADY

The Clerk called the bill (H.R. 8625) for the relief of Dennis H. O'Grady.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dennis H. O'Grady of 2 Stones Houses, Blaina, Monmouthshire, Great Britain, the sum of $18,500 in full satisfaction of all claims against the United States arising out of a vehicular accident involving a United States Army truck which occurred on August 18, 1956, near Camp Todendorf, Germany: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILFRID M. CHESHIRE

The Clerk called the bill (H.R. 8626) for the relief of Wilfrid M. Cheshire.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wilfrid M. Cheshire of 53B, Farnham Road, Guildford, Surrey, England, the sum of $10,000 in full satisfaction of all claims against the United States for injuries suffered by the said Wilfrid M. Cheshire on September 29, 1955, while he was a patient at a United States Army Evacuation Hospital at Inchon, Korea: *Provided,* That no part of of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICHOLAS E. VILLAREAL

The Clerk called the bill (H.R. 1377) for the relief of Nicholas E. Villareal.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Nicholas E. Villareal, 342 West Beechwood, Pinedale, California, is hereby relieved of all liability to repay to the United States the sum of $322 representing the total of allotment payments made to his mother, Mrs. Carmen T. Estrella, in the period from January 1, 1948, to April 30, 1949, inclusive, which have been ruled to have been overpayments because no deductions were made from his Army pay in accordance with the authorizations he executed directing that the proper deductions be made from his pay in order that a class Q allotment would be paid to his mother.

With the following committee amendments:

Line 5, after the word "States" insert "all interest and costs on".

Line 12, strike out "Q" and insert "F".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ANN W. EDWARDS

The Clerk called the bill (H.R. 4194) for the relief of Mrs. Ann W. Edwards.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Ann W. Edwards, Glenallen, Virginia, is relieved of liability to pay to the United States the sum of $426.15, representing the aggregate amount of overtime compensation which, due to administrative error and contrary to law, was paid to her as an employee of the United States Post Office Department at Glenallen, Virginia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY C. ATKINSON

The Clerk called the bill (H.R. 4876) for the relief of Mary C. Atkinson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary C. Atkinson of Shawsville, Virginia, is hereby relieved of all liability to refund to the United States the sum of $400.58 representing overpayments of compensation for services she performed as an employ of the Post Office Department, which overpayments, through an administrative error, resulted from the fact that she was given credit for longevity compensation from the time that she was appointed to the position of assistant postmaster at the Shawsville, Virginia, post office on August 8, 1934, rather than from the time that she was appointed a temporary substitute clerk on February 16, 1945, at that post office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. LA REE SMOOT CARPENTER

The Clerk called the bill (H.R. 7326) for the relief of E. La Ree Smoot Carpenter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,000 to E. La Ree Smoot Carpenter, of Burney, California, in full settlement of all claims against the United States for permanent disfigurement of the face and hands sustained as the result of injuries on November 13, 1943, while employed as a junior clerk-stenographer, post engineers, Army Air Base, Madras, Oregon: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That sections 15 to 20, inclusive of the Act entitled 'An Act to provide for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended (5 U.S.C. 765–770), are hereby waived in favor of E. La Ree Smoot Carpenter, of Burney, California, and her claim for compensation for disabilities including permanent disfigurement of the face and hands allegedly resulting from injuries incident to her employment as a junior clerk-stenographer post engineers, Army Airbase, Madras, Oregon, which she sustained on or about November 13, 1943, is authorized and directed to be considered and acted upon under the remaining provisions of such Act, as amended, if she files such claim with the Department of Labor (Bureau of Employees' Compensation) not later than six months after the date of enactment of this Act: *Provided,* That no benefits except hospital and medical expenses actually incurred shall accrue for any period of time prior to the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE FUENTES

The Clerk called the bill (H.R. 8662) for the relief of Jose Fuentes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jose Fuentes of Santurce, Puerto Rico, be relieved of all liability to the United States for the return of salary and other payments made to him covering the period November 3, 1955, through March 3, 1961, said liability having been incurred as a result of an administrative error in the determination of his eligibility for appointment to a civilian position with the Housing and Home Finance Agency. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH E. SWIFT AND HIS WIFE, SALLY SWIFT

The Clerk called the bill (H.R. 5559) for the relief of Ralph E. Swift and his wife, Sally Swift.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations or lapse of time, jurisdiction is hereby conferred upon the United States District Court for the Northern District of Illinois to hear, determine, and render judgment upon any claims of Ralph E. Swift, and his wife, Sally Swift, both of Melrose Park, Illinois, against the United States arising out of an accident which occurred when a United States Air Force plane crashed into a house owned by said Ralph E. Swift and Sally Swift on July 28, 1953.

SEC. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

With the following committee amendment:

Page 1, line 10, strike out "into" and insert "in a vacant lot adjacent to".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOLFGANG STRESEMANN

The Clerk called the bill (H.R. 5054) for the relief of Wolfgang Stresemann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 352(a)(1) shall be held not applicable in the case of Wolfgang Stresemann: *Provided,* That he returns to the United States prior to October 20, 1964.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of section 352(a)(1) of the Immigration and Nationality Act, Wolfgang Stresemann shall be held to have established residence in the country of his birth on March 2, 1961."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANDREW TELESFOR KOSTANECKI

The Clerk called the bill (H.R. 7707) for the relief of Andrew Telesfor Kostanecki.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew Telesfor Kostanecki be held to be and to have been a United States citizen at birth.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That Andrew Telesfor Kostanecki shall be deemed to have been within the purview of the act of May 24, 1934 (48 Stat. 797), at the time of his birth."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This ends the call of the Private Calendar.

TO ESTABLISH LINCOLN BOYHOOD MEMORIAL, IND.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2470) to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve the site in the State of Indiana associated with the boyhood and family of Abraham Lincoln, the Secretary of the Interior shall designate the original Tom Lincoln farm, the nearby gravesite of Nancy Hanks Lincoln, and such adjoining lands as he deems necessary for establishment as the Lincoln Boyhood National Memorial. However, the area designated for es-

tablishment shall not exceed two hundred acres.

SEC. 2. The Secretary is authorized to acquire by donation or purchase with donated or appropriated funds, land and interest in land within the designated area. When land has been acquired in sufficient quantity to afford an initially administrable unit of the national park system, he shall establish the Lincoln Boyhood National Memorial by publication of notice thereof in the Federal Register.

SEC. 3. The Lincoln Boyhood National Memorial shall be administered by the Secretary of the Interior as a part of the national park system in accordance with provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 4. There are hereby authorized to be appropriated such sums, but not more than $75,000, as are necessary to acquire lands and interests in lands pursuant to this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill comes before the House as a recommendation from the National Park Service of the Department of the Interior, with a favorable recommendation from the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments which Board works with the Department of Interior on recommending to Congress certain areas of the United States to fill out the National Park Service complex. The bill has been thoroughly studied by the committee. The committee took care of certain objections that were voiced during the committee meetings.

The amount authorized for purchase of land areas has been reduced to what we think is a satisfactory amount.

Mr. Speaker, at this time I yield such time as he may desire to the very able and efficient chairman of the Subcommittee on National Parks, the subcommittee which handled this particular legislation, the gentleman from Texas [Mr. RUTHERFORD.]

Mr. RUTHERFORD. Mr. Speaker, I think that there is hardly an American who would not be proud to own some little memento of Abraham Lincoln—an autograph, a Matthew Brady photograph, a campaign button, a letter, a piece of furniture, or what have you. The urge to collect such items as these that so many of our fellow citizens have—the urge to save every scrap of material associated with the man who became our 16th President—is not something that we look down on or are indifferent to. It is something that we appreciate and admire and encourage.

In a very real sense this bill that we are now considering, Congressman DENTON's H.R. 2470, has the same attraction for the Nation as a whole that the possibility of acquiring a Lincoln autograph has for the individual citizen. The 80-acre farm on which Lincoln grew up is, and ought to be treated as, a collector's item. It is not just a piece of land that we should leave for buying and selling and subdivision and trading as we do other pieces of land. It is a place where a great American lived during his formative years, from the time he was 7 until he was 21, and where his mother, Nancy Hanks, died and was buried. And since the Lincoln of the years from 1816 to 1830 was growing up in typically American country near the edge of the frontier, it also represents an environment familiar to tens of thousands of other Americans of his day—an environment in which they and their paren'3 and their children grew up. We thus have a double opportunity today, an opportunity to collect for the Nation an important piece of Lincolnia and an opportunity, by this means, to preserve an important piece of Americana.

Mr. Speaker, the Committee on Interior and Insular Affairs recommends that the Lincoln boyhood farm be added to the other places from his life which are already in our national collection—his birthplace, his study in the White House, Ford's Theater, and the house where he died—and that they all be carefully preserved for our own inspiration and for the inspiration of posterity.

I would like to leave the subject without saying more, Mr. Speaker, but I am aware that there are some in the House who, properly enough, will want to know what the price tag is. The answer is: Small enough so that it is well within our means. Most of the land involved in the bill, which calls for the acquisition of not more than 200 acres in all, will be donated by the State of Indiana. The State plans, too, to donate the Nancy Hanks Lincoln Museum, which it owns, to the United States. The estimates for the other 57 acres have varied considerably and the best that our committee could come up with, after consulting with the author of the bill, is about $75,000. If this were still open country, the price would of course be much lower. But most of this 57-acre area was unfortunately broken into small tracts occupied by houses many years ago and this raises the acquisition cost considerably. I hope the land can be acquired for less than the amount specified in the committee amendment but, if it can't be, I shall not complain. I am also dutybound to point out that there will be restoration and development costs of around $1 million before we are through.

I am sure that Congressman DENTON and others from Indiana will want to tell the House more about the Lincoln farm and the surrounding country than I have been able to. I conclude, therefore, by saying that the Subcommittee on National Parks and the full Committee on Interior and Insular Affairs recommend to the House that H.R. 2470 be passed. None of us will regret its enactment and future generations will say that the price we paid was a small one.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RUTHERFORD. I yield to the gentleman from Iowa.

Mr. GROSS. It is my understanding that the 57 acres, and perhaps more, that the Federal Government is to buy has an assessed valuation of slightly more than $16,000, but the Park Service wants to spend $75,000 of Federal funds for this 57 acres. That makes it cost about $1,300 an acre.

Mr. RUTHERFORD. That is correct. It is my understanding that in the State of Indiana by law it is assessed on one-third or less of the market value. This is by State law. So the market value is not commensurate in this instance, and I might say in any instance, with the tax evaluation placed by the local tax authorities.

Mr. GROSS. This proposal is going to cost the taxpayers of this country $1,125,000 before they get through with it, according to the committee report.

Mr. RUTHERFORD. Yes, before it gets through. The amount of the authorization is $75,000.

Mr. GROSS. Then it is going to take $60,000 annually and in perpetuity to maintain this project. Is that correct?

Mr. RUTHERFORD. This is dependent upon further authorization for development of the area.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. RUTHERFORD. I yield to the gentleman from Florida.

Mr. HALEY. I commend the distinguished gentleman from Texas for bringing this bill before the Congress. I think for too long we have neglected some of the great historical monuments which should be established for great Americans. I, too, hope that more money will not be expended, but certainly even though it amounts to $1 million, $1,500,000, or $2 million, I think this money would be well spent, especially to Americans coming to visit the former home of a great American. I hope the bill passes.

Mr. RUTHERFORD. I thank the gentleman for his observation. If this property is not acquired, the possibility of setting up this memorial would be destroyed, and any number of millions of dollars could not restore this historic place.

Mr. SAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. SCHWENGEL].

Mr. SCHWENGEL. Mr. Speaker, I rise to announce that I am in favor of this bill and to assure the membership of the House that the Lincoln Fellowship locally and Lincoln Fellowships all over America support this bill enthusiastically.

I should like to remind my colleagues of what an important American said recently when he was speaking about the importance of history. This man happens to be the only private citizen who has ever addressed a joint session of Congress in our history. He said once that when a man or a nation forgets its hard beginnings it is beginning to decay.

I suggest that no people will look forward to prosperity who do not look back on their ancestry. In my opinion, there is no place in our ancestry to which we can look that will give us more assurance and reason for faith in our system

and reason to believe that right makes might, than to the life and work of Lincoln.

This bill properly will remind us once again of the importance of our mothers in our lives. In this case it will remind us of Lincoln's mother. She was a wonderful woman and her memory needs to be cherished.

Mr. Speaker, Rosemary Benet has written a poem, it seems almost as I read and think about it, especially for this occasion. It is titled "Nancy Hanks." I hope the membership of the House will listen. These lines are in my opinion one of the great pieces of American literature inspired by that love of Lincoln that those who can write and are associated with his life and work has inspired.

Mr. Speaker, these are the lines:

NANCY HANKS

If Nancy Hanks came back as a ghost,
Seeking news of what she loved most.
She'd ask first, "Where's my son?"
"What's happened to Abe? What's he done?"
Poor little Abe, left all alone
Except for Tom who's a rolling stone.
He was only 9 the year I died.
How hard he cried. I hear him still.
Scraping alone in a little shack.
With hardly a shirt to cover his back.
And a prairie wind to blow him down
Or pinching dimes if he went to town.
You wouldn't know about my son?
Did he grow tall, Did he have fun?
Did he learn to read, Did he go to town?
Do you know his name?
Did he get on?

Mr. Speaker, I hope this bill passes.

Mr. SAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Speaker, I am strongly in favor of this legislation. It is not that the State of Indiana is trying to "pass the buck" to the Federal Government about doing something in this matter. We have and have had for some years a Lincoln Park at the location of the planned national monument. The State of Indiana is going to turn over all of this property to the Federal Government, if this bill is passed. I expect that Indiana has as good a system of State parks as any State in the country, and we are not asking the Federal Government to build national parks to preserve the scenic beauty and resources of Indiana; we prefer to do that ourselves. But, this is a different matter because Lincoln belongs not only to Indiana, but he belongs to the Nation and to the ages.

Three of our States—Indiana, Kentucky, and Illinois shared the honor of, at different times, being the home State of Lincoln. For that reason, I think it entirely fitting and proper that the Lincoln area in Indiana be made a national monument. In Indiana as I stated earlier we have already set aside all of the land necessary except for 57 acres. Since this is not exclusively a State matter, but a national matter, I see no reason why the Federal Government should not make this a national monument to show the world our belief in the greatness of Lincoln because today, unquestionably, Lincoln is considered the greatest mortal man that ever lived. I am happy that this legislation was introduced and that the committee saw fit to bring it before us.

I assure you, if the Federal Government follows the philosophy of the State of Indiana, there will not be a great amount of money spent here, and no money will be wasted. I think that if this legislation becomes law that this monument should be kept simple and beautiful for that would better personify the life of Lincoln than would the lush and extravagant spending of money.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, the State of West Virginia is honored for being the birthplace of Nancy Hanks. This legislation is to honor and to preserve the memory of a great President. It is also for the purpose of honoring a great mother, Nancy Hanks, the mother of President Lincoln. I am sure the entire delegation of the State of West Virginia will agree with me that West Virginia should support this legislation.

Mr. Speaker, I sincerely hope that this legislation will be approved.

Mr. SAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I am sure that everyone would like to erect a monument to those they hold in high esteem. I would like to erect a monument to the Federal taxpayers who pay all the bills.

Now let us get this in proper perspective; it is going to cost $1,125,000. There is no assurance in this bill that the State of Indiana is going to contribute 200 acres. Read the report. It says:

> While no commitments have been made, we understand that the State-owned portion may be donated.

Notice "may be donated." The trouble with bringing up legislation under suspension of the rules is that it forecloses any amendment to this or any other bill. This bill ought to at least carry an amendment to withhold the appropriation of any Federal funds until there is a firm commitment on the part of the State of Indiana to donate these lands. There is no such flat commitment. The report says very qualifiedly that the State of Indiana may donate 200 acres of land. If the Federal Government should have to go out and buy 200 acres of land at a cost of $1,300 an acre—and that is what it is proposed to pay for the 57 acres to put into this tract—you are going to run into a huge bill of expense for this monument.

Mr. RUTHERFORD. Mr. Speaker, if the gentleman will yield, may I advise the gentleman that the legislature of Indiana has already passed an act donating this land to the Federal Government.

Mr. GROSS. Then, why do you carry in the report the qualified statement that the State may donate the land?

Mr. RUTHERFORD. The act was passed subsequent to the report, sir. That is why I wanted to advise you and also to place in the legislative record the fact that the State of Indiana has passed enabling legislation granting this land to the Federal Government.

Mr. GROSS. That is what I tried to get at awhile ago and got no such statement from the gentleman.

Let me ask where it is proposed to get the money to build all of these monuments? Indiana, if I read the signs right, is going to ask for a big national park in the sand dunes country. I think Congress ought to delay the building of further monuments until we can see some real signs of balanced budgets instead of huge deficits ahead of us. The time has come to tighten our belts rather than to be undertaking expenditures of this kind. Oh, sure, they are all fine. Again, I quarrel with the spending of $75,000 for 57 acres of southern Indiana land. That is at the rate of $1,300 an acre. I do not understand why the Federal Government has to pay $1,300 an acre for land that carries an assessed valuation of slightly more than $16,000 for purposes of taxation.

Mr. Speaker, I am opposed to the bill. I urge that this project be delayed until a time when the financial situation in this country is other than an increasing Federal debt.

Mr. SAYLOR. Mr. Speaker, under suspension of the rules, the time is divided equally between the opponents and the proponents. Due to the fact that I yielded 5 minutes to the gentleman from Iowa [Mr. GROSS], I now yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, if for no other reason than to show that the members of our Economy and Efficiency Party wear no man's collar I must temporarily part with my colleague from Iowa [Mr. GROSS], on this bill, although I know he always—not just now and then—adheres to the principles of Lincoln.

True, by this bill, we are spending some more money, but I call the gentleman's attention to the fact that we are spending it here in Indiana. May I have the attention of the gentleman from Iowa? You were looking on the other side; you cannot get any inspiration over there.

Mr. GROSS. I will be as attentive as possible.

Mr. HOFFMAN of Michigan. Yes, I thank the gentleman. You were talking about this money being spent in Indiana; I am sure the gentleman realizes that what we spend in Indiana we cannot spend in India; and for that reason alone I think that the gentleman will support this bill.

And there is another reason. I note that we took over a couple of blocks just east of the Capitol, two blocks, running those people who live there all out, sending them to hunt homes and places of business elsewhere. On those two blocks of homes and businesses we are to spend $39 million to put up a monument to Madison.

There is such a contrast between what Lincoln said and believed, and the way he exemplified his principles, carried them out, and what we are doing here in Congress that we should think a little of the change. You will recall that the one thing Lincoln wanted to do, insisted upon doing, was to preserve the Union and constitutional government. There is such a contrast between that teaching and doing and what we are doing here in Congress that it is well that we go back to Lincoln—Honest Abe—and do a little thinking. We condone waste and worse in the executive departments, malfeasance, misfeasance, diversion of public funds, and remember what we did the other day in this foreign aid bill. We tax our people, give the money to other people. The gentleman from Virginia [Mr. HARDY] disclosed in those reports of hearings he held over the years ever since 1952, where the executive department was wasting money and worse, and yet we authorized additional billions for them to continue to spend and to waste.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Can the gentleman tell me why the State of Indiana, already holding all the land, cannot establish its own monument?

Mr. HOFFMAN of Michigan. Yes. Lincoln, I heard someone say once, belongs to the ages as well as to the Nation. The State of Indiana is the one State—now, do not forget, my good friend, please—Indiana is right south of Michigan and we have a neighborly feeling for Indianians. I am sure the gentleman recalls that the Indiana Legislature went on record as opposing the expenditure of any Federal money in Indiana; I do. They said they would paddle their own canoe.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. As long as the gentleman—and I know he does—goes along with this feeling and wants to follow Lincoln's teaching, why not erect a monument, to a man who insisted we preserve the Union and the Constitution. We disregard the Constitution. And, incidentally, let me say this, there is one power we have reserved to ourselves. We have reserved the very special duty of imposing taxes. Is that a pleasure? That is the only power I know of guaranteed by the Constitution that we have retained. It is very nice of us, is it not, to levy all these taxes against our constituents and then let the executive department, Republican or Democratic, let it distribute it?

The fault I have to find with the Ike administration is that it was in power here almost 8 years, and it was only the last 6 months or so that the Eisenhower administration ever discovered it was a Republican administration. Now the Kennedys come in with a well-greased political machine. Look at the many bills on this calendar yesterday and today and the overall purposes.

We continue day after day to pass legislation the effect of which is to increase our national debt which is around $290 billion.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ASPINALL. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. DENTON].

Mr. DOYLE. Mr. Speaker, will the gentleman yield?

Mr. DENTON. I yield to the gentleman from California.

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD immediately after the printing of the list of those who were absent at the quorum call. I was over on the Senate side and was unable to be present.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENTON. Mr. Speaker, this bill provides for the making of Lincoln's boyhood home a national shrine. We have a memorial for Lincoln at his place of birth in Kentucky, one at Springfield where he practiced law, and two or three in Washington. But there is a hiatus there. We do not have a national shrine in Indiana where Lincoln spent a very important period in his life. On Lincoln's birthday we will tell the children the things that Lincoln did. And most of this occurred or took place during the time he lived in Indiana.

It was there that Lincoln learned to read and write. He went to school only 2 years, and when you think of the man who only went to school 2 years and who could write the Gettysburg Address and the Second Inaugural Address, as Lincoln did, you will appreciate how great a man he was.

He used to lie by the fireside there and write on a shovel.

He walked miles to borrow books there. One of these borrowed books was destroyed by rain, and he worked days and days to pay for that particular book.

It was there that he split rails, it was there where he got his first job in a store, it was there he operated a ferry across the Anderson River. It was from there he made his famous trip on a flat boat to New Orleans. It was there that his mother died, it is there where his sister is buried. He lived there himself from the time he was 7 until he was 21, a very formative period of his life.

This memorial will embrace 200 acres. There are 160 acres in the old Lincoln farm, and another 40 acres on which the State of Indiana has erected a memorial and where Lincoln's mother, Nancy Hanks, is buried. The State of Indiana has passed legislation authorizing the turning over to the Government of this property as a memorial. There is erected on this property which the State will turn over, a memorial, a Lincoln Library and an assembly hall. About 57 more acres must be purchased and the bill limits the cost of this to $75,000. There is a town on part of this property. There are a good many little houses there, and that is the reason for this cost. The State of Indiana has passed legislation authorizing the turning over to the Government all the land but 57 acres. There is some talk about the cost over a period of years, but that would involve moving a road and it would also involve moving a railroad. There is no prospect of moving the railroad now because I do not think there is any necessity for it, but if that should happen you would have to come back to the Congress and get the money.

The State of Indiana has been very cooperative in this matter. In Indiana we are a proud people. We are proud Lincoln lived in Indiana, but we think he belongs to the Nation, and we think it is proper this should be a national shrine.

Mr. Speaker, this legislation has been recommended by the Advisory Council on Parks and National Memorials, it has been recommended by the Department of the Interior; and, after all, Indiana does not have a single national park or a single national memorial. We think in the case of this great man a memorial should be established by the Government in commemoration of his boyhood home in Indiana where he spent the formative period of his life.

Mr. Speaker, I hope this bill passes.

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, Abraham Lincoln is acknowledged as America's greatest social philosopher. His great wisdom, his humanitarian spirit, and his great love for his fellow men are one of America's treasures now, as President Lincoln is revered throughout the world.

The source of these great attributes was his imaginative mind, a mind which in its boyhood was exposed to the stark human realities of his day. In Spencer County, Ind., young Abe became acquainted with the conflicting social and political philosophies of his day. Here in southern Indiana, the abolitionist northerners discussed the burning issue of slavery with the slaveholders of the South. Here, the civilizations of the French and British settlers met that of the Indian nation. The frontiersmen from over the mountains moved into the area to add their own brand of Americanism to this melting pot. Here, trade flourished as the young nation began to carve the natural richness of its land into productive value.

It was in this atmosphere that Abraham Lincoln matured and grew to manhood. He was in constant contact with men of the dominant and conflicting ideologies of his day. Here he learned to understand the people of this great Nation. It was this knowledge, and the manner in which he later harnessed this knowledge to lead the country, from which his personal greatness flowed and from which his great contributions to our Nation and our civilization stemmed. But most important, it was here that he cultivated those virtues, such as honesty, sincerity, and integrity, which were to project through all phases of his adult

life and mark him as a truly extraordinary citizen.

It is only fitting, then, that this site of Lincoln's boyhood should be preserved and honored as a part of our Nation's heritage. In these few acres in southern Indiana there is the source of one of our greatest national treasures. This site justly deserves to be a part of our national park service, as a monument to the formative youth of Abraham Lincoln, a time which still sheds its benefits on this great Nation. I urge that you support the bill offered by the gentleman from Indiana [Mr. DENTON].

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

FORT SMITH NATIONAL HISTORIC SITE, ARK.

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 32) authorizing the establishment of the Fort Smith National Historic Site, in the State of Arkansas, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to designate for preservation as the Fort Smith National Historic Site the site of the original Fort Smith established in 1817 on LaBelle Point at the confluence of the Arkansas and Poteau Rivers, together with such adjoining property as the Secretary may deem necessary to accomplish the purposes of this Act. The area so designated shall include also the commissary building and the barracks building in which Judge Isaac Parker's courtroom has been restored, both of such buildings having been a part of the fort built during the latter part of the 1830's.

SEC. 2. Within the area designated pursuant to section 1 hereof, the Secretary of the Interior is authorized to procure by purchase, donation, with donated funds, or otherwise, land and interests in lands: *Provided,* That the Secretary shall purchase no property under this Act until the city of Fort Smith, Arkansas, conveys to the United States, without expense thereto, all right, title, and interest of such city in and to the property designated by the Secretary as necessary for the establishment of the Fort Smith National Historic Site. When the historically significant lands and structures comprising the designated area have been acquired as herein provided, the Fort Smith National Historic Site shall be established and notice thereof shall be published in the Federal Register.

SEC. 3. The Fort Smith National Historic Site, as constituted under this Act, shall be administered by the Secretary of the Interior as a part of the National Park System pursuant to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 4. There are hereby authorized to be appropriated such sums, not in excess of $319,000, as are necessary to acquire the real property necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill by our colleague, the gentleman from Arkansas [Mr. TRIMBLE], proposes to establish a 15-acre national historic site in Fort Smith, Ark. The project is highly recommended by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments which was created by the act of August 21, 1935. It is also highly recommended by the Department of Interior and National Park Service. The creation of a national historic site at Fort Smith will, in the judgment of the Committee on Interior and Insular Affairs, admirably help to carry out the policy of Congress, as declared in the 1953 act—"to preserve for public use historic sites, buildings, and other objects of national significance for the inspiration and benefit of the people of the United States."

Fort Smith dates back to 1817, only 14 years after the Louisiana Purchase had been consummated and 2 years before Arkansas became a territory. Here, at the junction of the Arkansas and Poteau Rivers, was a little point of land—Belle Point, it was then called—that was suited to carry out the orders that Gen. Andrew Jackson received from the War Department in August of that year. These orders directed that he establish a garrison on the Arkansas River near the Osage line. The reason for the establishment of such a post was the continual friction that existed between the Osage Indians, natives of the area, and both white settlers in the area and Cherokees who had been removed there by the Federal Government.

The first Fort Smith was, in its time, the westernmost fort in the country. It served its purpose as well as could have been expected in this wild and troubled part of the Nation from 1817 to 1824.

A second and stronger Fort Smith was erected in the years beginning in 1835 a little to the east of the first Fort Smith. Unlike the first fort, which was a blockhouse, plans for the second called for construction of stone and brick, and a substantial part of it was so constructed. It served from 1838 to 1871 and was not only an influential factor in Cherokee-Osage and Indian-white relations during its earlier years but was also, during the War Between the States, the site of Union, Confederate, and Union troops in succession.

Two of the buildings of the second Fort Smith remain intact. One is the former commissary, now occupied by a local historical museum. The other is a former barrack which is occupied now by units of the city government. The popularity of the site, even without the development work which the National Park Service contemplates, is evident from the fact that the museum attracted more than 25,000 visitors last year.

The site of Fort Smith is of interest to the American public not only because of its antiquity and the role it played in Indian-white relations on the frontier but because it was the location of the courtroom of the famous Isaac Parker, known to history as the "hanging judge." To him more than to any other one man the frontier owes the development of respect for law and order. The room which served as his courtroom from 1875 to 1889 was in the barrack building. It has been completely restored.

The city of Fort Smith owns 10 of the 15 acres that are within the projected historical site. These lands are valued at $259,000 and the city has announced that it is ready to turn them over to the United States free of charge. The other 5 acres are valued at about $319,000. We of the committee recognize that this is expensive land. The cost will not be as high as originally estimated because we feel there will possibly be some donations. However, as to the expense, the cost must be considered. These 5 acres are adjacent to a railroad line and are occupied by industrial buildings which will have to be torn down. Local officials, however, have assured us that they are willing to see this land, valuable though it is, taken off the tax rolls, by all the political subdivisions in Arkansas.

I am sure that when the gentleman from Arkansas, JIM TRIMBLE, speaks on this bill, as he will in a few moments, he will be able to tell the House much more fully and much more eloquently than I can what it means to the people of his area. I content myself with saying that our committee has carefully examined the proposal and that we have no hesitancy in recommending it from the national point of view.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, in an effort to assure not only the people who are living in our country at the present time but those who will follow us, that there will be evidence of great landmarks, things that made this country possible, the Committee on National Historic Sites have selected Fort Smith, Ark., as one of those worthy of preservation.

This committee examined many of the sites of forts throughout the Southwestern part of the United States. They picked this site and Fort Davis as the two that should be preserved. A short time ago Congress passed the Fort Davis bill and we now have the Fort Smith bill before us.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to the chairman.

Mr. ASPINALL. During the last Congress we passed an authorization act for Old Fort Bent, which is located on the Arkansas River. This helps firm up the national parks complex of this particular operation which memorializes activities in the life of the Nation a century ago.

Mr. SAYLOR. That is correct. I certainly hope that the House will accept

the decision of the Committee on National Historic Sites and the judgment of the Committee on Interior and Insular Affairs which went into this matter very carefully and recommended that the bill do pass.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I want to go back for a moment to the bill just passed and ask the gentleman from Texas [Mr. RUTHERFORD], when the Indiana Legislature took the action that it did.

Mr. RUTHERFORD. I am not advised as to the exact date on that. My advice came from the members of the Indiana delegation.

Mr. GROSS. Would it have been a few days ago or a few months ago?

Mr. RUTHERFORD. I am not advised, sir. We have not had official notice by proclamation from the State of Indiana. I passed on only the information given to me by members of the Indiana delegation which I felt was valid and submitted that information to the House.

Mr. GROSS. The report accompanying this bill carries the date of August 10, 1961. I do not like to be misled by information such as is contained here, which states that the State of Indiana may contribute 200 acres of land. Now the gentleman indicates the legislature had already adopted legislation to provide 200 acres. The date of the report, as I say, is August 10, 1961. That information ought to have been in it if that action was taken more than a few days ago.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course, I yield.

Mr. ASPINALL. I think the report is not misleading. I can understand how the gentleman may have read it in that manner, but it says that the State of Indiana may, and thus it is presumed that the Department of Interior will accept. It is permissive.

The State of Indiana has done everything on its part. We have known during the hearings that the State was going to cooperate and contribute in this respect to the undertaking.

Mr. GROSS. Let me again read this statement to be found in the report accompanying the bill:

> While no commitments have been made to the Department, we understand that the State-owned portion may be donated.

What am I expected to believe in reading that language from the report?

Mr. ASPINALL. When the gentleman was answered by the gentleman from Texas [Mr. RUTHERFORD] that the State had passed the legislation and that they had accepted the responsibility, and the gentleman from Indiana himself [Mr. DENTON] had made the statement, I think that should have taken care of my friend's fears in this matter.

Mr. GROSS. But when I read a report as recent as August 10 of this year, I would think the report would be up to date.

Mr. RUTHERFORD. The gentleman is quoting from the report of the Department of April 27, 1961. However, the report that is submitted with this bill states this:

> H.R. 2470 authorizes the acquisition of as much as 200 acres of land for the memorial. All of this land except 57 acres is owned by the State of Indiana which, by act of its legislature, has indicated its willingness to donate it and the Nancy Hanks Lincoln Memorial to the United States for the purposes of this bill.

This is a part of the report.

Mr. GROSS. I, too, quoted from the report submitted with this bill.

This project is going to cost $786,000, is that not correct?

Mr. RUTHERFORD. What bill is the gentleman referring to?

Mr. GROSS. The bill presently before the House.

Mr. RUTHERFORD. $319,000.

Mr. GROSS. Under the heading "Cost" it says that the estimated cost of property acquisition is $319,000. That is for 5 acres, or at the rate of $63,800 per acre. Then the report goes on to say:

> Development costs, which will be spread over several years, will probably amount to $467,000.

That is a total, is it not, of $786,000 that this project is going to cost?

Mr. RUTHERFORD. The purpose of this act is the acquisition of the land, for $319,000.

Mr. GROSS. That is for 5 acres only, $319,000.

Mr. RUTHERFORD. $319,000 only is going to be provided.

Mr. GROSS. This also is going to cost $62,000 a year in maintenance and administrative costs and that will be for all time.

Mr. RUTHERFORD. The gentleman is entitled to his own estimates.

Mr. TRIMBLE. Mr. Speaker, on behalf of the people of Fort Smith and the people of Arkansas, I wish to express to the Committee on Interior and Insular Affairs our grateful thanks. This site is indeed a fine historic place. It will be a jewel in the park system. The people of Fort Smith have invested more than $500,000 in this project.

Mr. ASPINALL, Mr. RUTHERFORD, and Mr. SAYLOR have covered the bill completely.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill, H.R. 32, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PAYMENT FOR UNUSED COMPENSATORY TIME OWING TO DECEASED POSTAL EMPLOYEES

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7061) to amend title 39 of the United States Code to provide for payment for unused compensatory time owing to deceased postal employees, and for other purposes, as amended.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3573 of title 39, United States Code, is amended by adding at the end thereof a new paragraph (5), as follows:
>
> "(5) If an employee is entitled under this section to unused compensatory time at the time of his death, the Postmaster General shall pay at the rate prescribed in this section, but not less than a sum equal to the employee's hourly basic compensation, for each hour of such unused compensatory time to the person or persons surviving at the date of such employee's death. Such payment shall be made in the order of precedence prescribed in the first section of the Act of August 3, 1950 (5 U.S.C. 61f), and shall be a bar to recovery by any other person of amounts so paid.".

The SPEAKER pro tempore. Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MURRAY. Mr. Speaker, this legislation was reported out unanimously by the Committee on Post Office and Civil Service. This legislation carries out the official recommendation of the Post Office Department and it provides for the payment of unused compensatory time earned by deceased postal employees. This bill will correct an inequity in existing law. The law as it stands today is discriminatory and unfair to the heirs and estates of certain postal employees. I call to the attention of the House that other Government employees, coming under the provisions of the classification act, have already been provided for by legislation which corrected the inequities in their case. This adjustment should surely be made for the families of deceased postal employees.

Mr. Speaker, I now yield such time as he may require to the gentleman from Georgia [Mr. HAGAN].

Mr. HAGAN of Georgia. Mr. Speaker, I was chairman of the subcommittee which considered H.R. 7061. We held open hearings at which representatives of the Post Office Department and the various postal employee organizations wholeheartedly endorsed the objectives of the measure. No witnesses appeared in opposition. The bill was unanimously reported, both from the subcommittee and from our full committee.

The legislation, itself, is the result of an official recommendation of the Post Office Department. By providing for the payment of unused compensatory time earned by deceased postal employees, it would correct an inequity in existing

law which the Department and the committee fully agree is discriminatory and unfair to the families and estates of these employees.

Postal operations are such that on a great number of occasions postal employees are required to work overtime. However, there are only three situations in which these employees may be paid for such work, and even then only employees in salary levels PFS–7 and lower are authorized payment. These situations are Saturdays and Sundays in December, work in excess of 8 hours in 1 day, and holidays. On all other occasions, and for all postal employees in salary levels PFS–8 and above, any excess time that is worked must be taken off in the form of compensatory time.

In 1959, at the request of the Post Office Department, the Comptroller General reviewed the question of payment to the estate of a deceased postal employee for unused compensatory time. He ruled that payment could be made in the situation where the law permitted the alternative of pay or compensatory time. Where the law did not provide such an alternative, accumulated unused compensatory time had to be forfeited.

This situation is most inequitable for two reasons: First, there is unfairness as between employees in levels PFS–7 and below, and employees above these levels in those few situations where the lower levels have the alternative of payment. Second, there is unfairness as between postal employees and employees in the major portion of the Federal service—employees whose positions are subject to the Classification Act of 1949, that is, the GS schedule positions.

Positions in the general schedule of the Classification Act are paid under the provisions of the Federal Employees Pay Act of 1945. While that act provides for compensatory time off to be applied to certain situations where employees work excess time, the act also provides that payment may be made in lieu of compensatory time off to employees up to and including GS–15. Payment may thus be made for unused compensatory time to the estate of deceased employees under the general schedule.

Mr. Speaker, I would like to emphasize that this bill does not make any changes in the present system of payments for overtime or for the granting of compensatory time. It simply permits payments to be made to any employee's survivors in the event he dies without using all of his compensatory time. The cost to the Government would be negligible, according to the Post Office Department.

I sincerely urge the enactment of this legislation.

Mr. CORBETT. Mr. Speaker, I just want to say that this is excellent legislation. We have been remiss in not passing it long ago.

Mr. Speaker, I now yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I rise in support of H.R. 7061 and wish to associate myself with the remarks made by the gentleman from Georgia [Mr. HAGAN]. He has already given you a very clear explanation of this bill. It is a simple bill. It is noncontroversial. It was reported out of the subcommittee and the full committee by a unanimous vote and it has the complete support and the endorsement of the executive branch of the Government.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Inasmuch as you live in the adjoining district across the river, over which we have built so many bridges for the Federal employees to come down here to their work, including, of course, postal workers, do you not think we should have a quorum present so that more Members may hear the way you get support or are entitled to support, for example?

Mr. BROYHILL. I do not think that is necessary. In fact, the bill was on the Consent Calendar and should have been passed when it was on the Consent Calendar.

Mr. HOFFMAN of Michigan. My point is: Do you not think we ought to have a quorum?

Mr. BROYHILL. No; I do not. If the gentleman thinks so, he can exercise his prerogative.

Mr. HOFFMAN of Michigan. I want to be helpful. Apparently we do not have a quorum now and have not had one since the first few minutes of the session. I noticed the other day, several times after the roll was called and a quorum was present, the Clerk no more than got to the end of the call when the quorum had disappeared. So, it seems futile to make the point.

Mr. BROYHILL. I wish the gentleman would withhold his point of no quorum.

Mr. HOFFMAN of Michigan. Well, because of my great affection and regard for the gentleman, I certainly will.

Mr. BROYHILL. I appreciate that.

Mr. Speaker, as pointed out by the gentleman from Georgia [Mr. HAGAN] the cost of this bill is negligible. It is practically nil. Whatever costs are involved can be included in the current budget of the Post Office Department. However, the principle involved is of major importance. It is an important principle regardless of what the cost may be. It is to correct a discrimination against certain groups of Federal employees. They should have been allowed to participate in this program long ago. The defect must have occurred through an oversight, because it could not have been the intent of the Congress. At the present time all other employees, with the exception of Post Office employees, can receive credit or their estates can receive credit for any unused compensatory time which has been accumulated prior to their death. What do we mean by compensatory time? Compensatory time is a benefit in lieu of compensation for the performance of work under circumstances regarded as undesirable. If the employees who have performed such work live, they receive the benefit in the form of time off with pay, and without charge to leave, for days on which they would otherwise be required to work.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. I would like to ask the gentleman if there is any likelihood that the bill equalizing longevity pay for postal employees with that of other Federal employees will come out in the near future?

Mr. BROYHILL. That bill is pending before the committee now. We discussed it in executive session this morning. The chairman has asked the staff and demanded action on a request that the committee has made for a report from the Post Office Department be made available.

Mr. KUNKEL. While you are correcting this present situation, which I thoroughly favor, it seems to me there is a glaring inequity existing in respect to longevity for postal employees that should be corrected quickly, preferably at this session of the Congress.

Mr. BROYHILL. That is correct. The chairman has assured us that action will be taken in that regard.

Now, I was explaining what compensatory time was. All of the Federal employees with the exception of the Post Office employees can have this time credited to their estate or their account in the event of their death. I will give you an example of how this inequity works.

In our hearings on this measure we had our attention called to the case of the two post office investigative aids who, on March 14, 1960, during the course of their assignment to the inspection service, were murdered when they attempted to apprehend three men for stealing mail packages.

At the time of their deaths, one employee had 83 hours of compensatory time to his credit, the other had 52 hours. These men died in the service and received benefits under the various laws such as that pertaining to death in line of duty, insurance under the Federal group insurance law, and pay for all unused annual leave. But their families were denied payment for their unused compensatory time. Had these men worked for an agency subject to the Federal Employees' Pay Act, such as the Veterans' Administration, Department of Defense, Department of Interior, and so forth, they would have received payment for such time.

But because they were members of the postal field service of the Post Office Department, their estates could not receive credit for that compensatory time.

I am certain that no Member of this body would want the Government to benefit as a result of any employee's dying before he had used this compensatory time to which he was entitled. The only thing this legislation does is to correct that inequity so that the estate of the employee can receive the credit and the Government itself not be the beneficiary insofar as money is concerned as a result of this employee's death.

Mr. BATTIN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. BATTIN. Is this retroactive? Will it take care of the situation to which the gentleman referred where these two men were murdered? Will it take care of their families?

Mr. BROYHILL. It is not retroactive.

I hope the House will support this legislation.

The SPEAKER pro tempore (Mr. ALBERT). The question is, Will the House suspend the rules and pass the bill, H.R. 7061, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MINIMUM INCREASES ON PROMOTIONS UNDER THE CLASSIFICATION ACT OF 1949

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1010) to amend the Classification Act of 1949, as amended, to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802(b) of the Classification Act of 1949, as amended (5 U.S.C. 1132(b)), is amended to read as follows:

"(b) Any officer or employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest scheduled or longevity rate of such higher grade which exceeds his rate of basic compensation in effect immediately prior to such promotion or transfer by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of any officer or employee so promoted or transferred who is receiving basic compensation at a rate in excess of the maximum longevity rate for his grade, or in excess of the maximum scheduled rate of his grade if there is no longevity rate for his grade, under section 604, section 1105(b), or any other provision of law, there is no scheduled or longevity rate in such higher grade which is at least two step-increases above his rate of basic compensation in effect immediately prior to such promotion or transfer, he shall receive (1) the maximum longevity rate of such higher grade or the maximum scheduled rate of such higher grade if there is no longevity rate for such grade, or (2) his rate of basic compensation in effect immediately prior to such promotion or transfer, if such rate is higher."

SEC. 2. The amendment made by the first section of this Act shall become effective on the first day of the first pay period following the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee will be recognized for 20 minutes and the gentleman from Pennsylvania for 20 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN of Michigan. Mr. Speaker, I was on my feet trying to address the Chair to demand a second and say that I was opposed to the bill.

The SPEAKER pro tempore. The Chair regrets that the Chair did not see the gentleman.

Is the gentleman from Pennsylvania opposed to the bill?

Mr. CORBETT. Mr. Speaker, I am willing to yield time to the gentleman from Michigan. I have been recognized, but I suppose the Chair is so used to seeing the gentleman on his feet making demands that he just failed to notice.

Mr. HOFFMAN of Michigan. I accept the gratuitous insult, but the gentleman has been demanding seconds right along whether he was opposed to the bill or not and I want to call his attention to the rule.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania opposed to the bill?

Mr. CORBETT. The gentleman from Pennsylvania is not opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Michigan opposed to the bill?

Mr. HOFFMAN of Michigan. Yes, I am.

The SPEAKER pro tempore. The gentleman from Michigan qualifies as a second.

Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. MURRAY] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. HOFFMAN] for 20 minutes.

The gentleman from Tennessee is recognized.

Mr. MURRAY. Mr. Speaker, I yield myself 2 minutes. This legislation is based on an official recommendation of the U.S. Civil Service Commission and has the approval of the Post Office and Civil Service Committee.

H.R. 1010 provides an equitable and uniform formula to assure that a classified employee who is promoted from one grade to another will receive a salary increase commensurate with the increased responsibilities he undertakes. The minimum salary increase will be not less than two automatic salary step increases of the grade from which he is promoted.

The effect will be to provide needed incentives for employees who are qualified for more responsible positions, and whose services in such positions will benefit the Government, to accept promotions and advance themselves in the career civil service. Under present law it often happens that an employee who is in the higher salary steps of his position is confronted, when offered a promotion to a higher grade, with the necessity to undertake greater responsibilities with little or no increase in salary. The question naturally arises in such an employee's mind as to the practical desirability of his undertaking greater responsibilities without some reasonable increase in his salary.

This legislation will provide fair and reasonable minimum salary increases in the event of such a promotional opportunity. I believe it is in the best interests of greater efficiency in the Government service as well as equitable treatment of employees.

Mr. HOFFMAN of Michigan. Mr. Speaker, does the gentleman from Iowa [Mr. GROSS] desire time?

Mr. GROSS. No.

Mr. HOFFMAN of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. WALLHAUSER].

Mr. WALLHAUSER. Mr. Speaker, I rise in support of this legislation, which has been reported favorably by our committee, as was a similar bill in the 86th Congress. The chairman of the committee has explained this bill very well. Briefly, it gives an incentive to those who desire encouragement; in other words, it makes promotions of classified employees from one grade to another more meaningful in terms of increased compensation.

The classified employees exclude a certain number of other employees of the Government, including about 700,000 of the so-called blue-collar workers, over 500,000 postal field workers, Foreign Service employees, Atomic Energy Commission, TVA, and so forth. These employees are not considered under this bill.

Section 802(b) of the Classification Act of 1949 provides that the rate of pay an employee shall receive upon promotion to the next higher grade will be that which exceeds his existing rate of basic compensation by not less than one step increase of the grade from which he is promoted or transferred.

H.R. 1010 will require the employee to be placed in the step of the higher grade which will assure him an increase in compensation amounting to not less than the amount of a two-step increase in the grade from which promoted.

Mr. Speaker, I agree with my colleagues that this legislation is long overdue as a needed improvement in Federal personnel management. While the one-step increase promotion policy adopted by the Congress under the Classification Act of 1949 may have been a good policy at the time of its adoption, it is now outdated and outmoded. It is time we change and provide a more meaningful increase in pay for employees who are promoted and who are required to assume higher responsibilities.

Mr. Speaker, I ask that the Members of the House look with favor upon this legislation as it is, and has been, long needed.

I urge favorable consideration of the bill H.R. 1010.

Mr. HOFFMAN of Michigan. Mr. Speaker, I yield such time as he may desire to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I rise in support of H.R. 1010 and would like to associate myself with remarks that have been made by my colleagues.

The purpose of H.R. 1010 is to make a promotion of a classified employee something to be sought after and to reward the employee to an extent commensurate with the added difficulty and responsibility assumed by the employee in a higher grade.

Considerable progress has been achieved since the classification system was first established in 1923. The original law did not require that promotions had to result in a salary increase. The first substantial progress came with the introduction of the within-grade salary increase planned in the classification system in 1941. It then became possible for employees to advance with regularity through the range of pay rates within a grade. Even then a promotion from one grade to another did not necessarily result in a salary increase and when there was an increase, it was as small as $25 a year. It was was not until the revision of the classification law of 1949 that a grade promotion required that an increase in compensation must equal not less than the amount of the step increase of the grade from which the employee was promoted. This is the status of the law today. That one-step increase today amounts to $105 a year for employees in the lower grades—GS–1 to GS–4—and only to $165 a year to employees in the middle grades—GS–5 to GS–10. The increase in the upper grades is $260.

I support this legislation and feel that the time has now come to improve this promotion increase formula so as to provide an incentive for employees to accept promotions that are more commensurate and more realistic in today's labor market.

H.R. 1010 will provide a minimum guaranteed promotion pay increase equal to a two-step increase. This will double the amounts I have just referred to—that is, $105 in the lower grades to $210; $165 in the middle grades to $330; $260 in the upper grades to $520. In addition, H.R. 1010 will permit the employee to be placed in any of the three longevity rates, if necessary, in order for the employee to receive the minimum guarantee.

Mr. Speaker, I urge that this law be considered favorably by this body today so that promotions actually will give practical recognition to qualified and competent employees when they are promoted and placed in positions of greater responsibility.

Mr. HOFFMAN of Michigan. Mr. Speaker, again I want to ask the gentleman from Iowa if he requests time.

Mr. GROSS. Mr. Speaker, I request time just to say I am for this bill.

Mr. HOFFMAN of Michigan. So am I. After listening to the chairman of the committee, the gentleman from Tennessee [Mr. MURRAY], it seems to me the only objection to the bill is the spending. But sometimes that is necessary.

Mr. Speaker, I have no further requests for time.

Mr. MURRAY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. DULSKI].

Mr. DULSKI. Mr. Speaker, I was chairman of the subcommittee of the House Post Office and Civil Service Committee which held open hearings on H.R. 1010. This bill was sponsored by our distinguished colleague, the gentleman from Michigan [Mr. LESINSKI]. He also sponsored a similar bill during the 86th Congress, H.R. 543, which was acted upon favorably by our committee but was not reached for consideration by the House before adjournment.

The administration favored enactment of this legislation last year and representatives of the Civil Service Commission testified in open hearings this year as being in favor of enactment of H.R. 1010. Also, I invite the attention of my colleagues to the letter from the Bureau of the Budget which appears on page 3 of House Report No. 859 recommending favorable consideration on H.R. 1010.

I believe the gentleman from Michigan [Mr. LESINSKI] is to be congratulated on sponsoring this legislation again this session.

Mr. Speaker, very briefly, it is the purpose of H.R. 1010 to provide an employee covered by the Classification Act of 1949, who is promoted or transferred to a position in a higher grade, an increase in compensation that is more realistic with the increased responsibilities he is expected to assume upon promotion.

H.R. 1010 provides that when a classified employee is promoted, or transferred to a position in a higher grade, he will receive basic compensation at the lowest scheduled or longevity rate of the higher grade, which exceeds his existing rate of basic compensation, by not less than two step increases of the grade from which he is promoted or transferred.

Existing law requires that such a promotion or transfer be accompanied by a minimum of a one-step increase but permits the formula to be applied only to the scheduled rates of the grade to which promoted and not to any of the three higher longevity rates of the grade.

H.R. 1010 will change the promotion increase formula in two respects. First, the amount of the minimum increase upon promotion will be changed from the equivalent of a one-step increase to the equivalent of a two-step increase. At the present time, a one-step increase in grades GS–1 through GS–4 is $105; in grades GS–5 through GS–10, the one-step increase is $165; and in grade GS–11 and above, the one-step increase is $260.

Under the formula proposed by this legislation, the minimum amount to be received by an employee upon promotion would be doubled—that is, the minimum promotion increase for grades GS–1 through GS–4 would be $210; the minimum increase for grades GS–5 through GS–10 would be $330; and for grade GS–11 and above, $520.

Second, this legislation will remove the present maximum scheduled rate limitation and will permit employees who are affected by the promotion increase formula to be placed in any of the three higher longevity rates, if necessary, in order to receive the full benefit of the guaranteed minimum increase. Under existing law, employees who are in the top longevity steps of some of the grades receive no increase upon promotion to higher grades, because the rates for the maximum scheduled steps of some of the grades is the same or lower than the rates for the longevity rates of the next lower grades. For example, the top longevity rate for grade GS–1 is $4,130 and the maximum scheduled rate of GS–2 also is $4,130. Consequently, under existing law an employee who is receiving $4,130 per annum in the top longevity rate of GS–1, would receive no increase in compensation upon promotion to a position in GS–2 but would continue to receive his existing rate of compensation, $4,130.

Under H.R. 1010, the employee would receive an increase equivalent to the two-step increase, $210, and be placed in the second longevity step of grade GS–2, at the rate of $4,340 per year.

Mr. LESINSKI, in testifying in open hearings before our subcommittee in justification of his proposal, furnished the subcommittee several other examples which clearly demonstrate the need for this legislation. These examples may be found on page 4 of the printed hearings.

Mr. Speaker, it is hard for me to believe that our Federal Government has a personnel promotion policy that permits an employee to be promoted to a higher grade and impose upon him increased responsibilities without providing a means for a commensurate increase in compensation. To expect an employee to take on heavier responsibilities and more difficult duties without a reasonably comparable increase in pay certainly would lessen the incentive of the most devoted of us to accept those greater responsibilities. It certainly is not a policy conducive to an efficient or economical Federal service. I believe it is time we change that policy.

The two-step increase provided by H.R. 1010 will result in an appropriate monetary reward in connection with the promotions under the Classification Act. It will offer a materially greater incentive for the employee to accept the higher responsibilities that go with his promotion.

The Civil Service Commission furnished a table which may be found on page 9 of the printed hearings on H.R. 1010, which shows that the Commission has estimated that there are approximately 170,000 promotions annually that will be affected by this legislation. This, of course, does not include promotions from the lower steps of the grades, because the amount of increase an employee receives upon promotion from a lower step of a grade to a higher grade generally will be in excess of the minimum guaranteed under either existing law or under this legislation. On the basis of an estimated 170,000 promotions annually to be affected by this legislation, the subcommittee believes that the annual cost of this legislation will not exceed $25 million, and undoubtedly will be less.

Mr. Speaker, I am sure my colleagues all will agree that an employee is entitled to a meaningful increase in compensation when he is promoted to a higher grade and asked to assume higher responsibilities. Both the Civil Service Commission and the Bureau of the Budget agree, as did our committee, that this additional cost is amply justified in order to overcome the outmoded and completely unrealistic promotion policy now existing under the Classification Act. There is no doubt in my mind that this legislation is in the best interests of

the Federal service and of the employees.

Mr. Speaker, I urge that favorable consideration be given to H.R. 1010.

Mr. MURRAY. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I would like to express my deep appreciation to the Honorable TOM MURRAY, chairman of the House Committee on Post Office and Civil Service, and to the members of the subcommittee for their diligence in scheduling my bill, H.R. 1010, for consideration during this 1st session of the 87th Congress and the efforts they took in obtaining consideration of the bill on the floor of the House today.

H.R. 1010 is identical to my bill of the last Congress, H.R. 543, as it was amended and reported favorably from the House Post Office and Civil Service Committee. The action last year came late in the session and the House had no time to act on the measure before adjournment.

The Civil Service Commission recommended favorable consideration last year. The present measure, H.R. 1010, has the full support of the Commission and the Bureau of the Budget. The employee organizations have been urging for quite some time for a much greater increase upon promotion than the increase provided under H.R. 1010. I believe that the more liberal increase provided in the legislation I originally sponsored 2 years ago is amply justified. But I also believe that the more conservative increase now provided under my bill, H.R. 1010, is an acceptable compromise. The employee organizations now favor enactment of H.R. 1010.

Under present law a classified employee who is promoted or transferred to a higher grade receives an increase in compensation equal to a one-step increase in the grade from which promoted, except where there is no rate in the higher grade which is equivalent to a one-step increase above the employee's existing rate of compensation, in which case the employee would continue to receive his existing rate of compensation or the maximum scheduled rate of the higher grade, whichever is higher. In a great many instances this formula results in a very small increase, or no increase at all, for many employees who were promoted to a position in a higher grade and required to assume greater responsibilities.

My bill, H.R. 1010, will provide for a minimum guaranteed promotion pay increase equal to a two-step increase. In addition, it will permit the employee to be placed in any of the three longevity rates, if necessary, in order for the employee to receive the minimum guarantee and will remove the present maximum scheduled rate limitation.

The simple objective of H.R. 1010 is to make more realistic and more meaningful promotions of classified employees from one grade to another. Promotions give practical recognition to qualified and competent employees and place the employees in positions of increasing responsibility. It appears only reasonable that an adequate salary increase should accompany such a promotion. An appropriate monetary reward upon promotion is necessary to offer a materially greater incentive for a promotion.

Mr. Speaker, there is a great need for this legislation, both from the standpoint of the employee and in the interest of an efficient functioning of our Government. This need has been recognized now for several years by administrations of both parties. They agree that the need to have a realistic increase in compensation accompany a promotion amply justifies the $25 million cost.

Mr. Speaker, I sincerely urge the House to take favorable action on H.R. 1010.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 1010?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMEND CIVIL SERVICE RETIREMENT ACT

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 739) to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, with amendments.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 17 of the Civil Service Retirement Act, as amended (70 Stat. 759; 5 U.S.C. 2267(d)), is amended to read as follows:

"(d) The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of public-debt obligations for purchase by the fund. Such obligations issued for purchase by the fund shall have maturities fixed with due regard for the needs of the fund and bear interest at a rate equal to the average market yield computed as of the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt that are not due or callable until after the expiration of four years from the end of such calendar month, except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest on such obligations shall be the multiple of one-eighth of 1 per centum nearest such average market yield. The Secretary of the Treasury may purchase other interest-bearing obligations of the United States, or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only if he determines that such purchases are in the public interest."

(b) All special issues in which the civil service retirement and disability fund is invested in accordance with section 17(d) of the Civil Service Retirement Act as in effect prior to the enactment of this Act shall be redeemed and the moneys reinvested by the Secretary of the Treasury on or before January 1, 1962, in accordance with such section 17(d), as amended by subsection (a) of this section.

SEC. 2. (a) Paragraphs (2) and (3) of section 2(h) of the Civil Service Retirement Act, as amended (74 Stat. 302; 5 U.S.C. 2252 (h) (2) and (3)), are amended to read as follows:

"(2) The Commission is authorized and directed to accept the certification of the Secretary of Agriculture or his designee with respect to service, for purposes of this Act, of the type rendered by employees described in paragraph (3) of this subsection.

"(3) Subject to the provisions of sections 4(c) and 9(f) of this Act, service rendered prior to July 10, 1960, as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in computing length of creditable service for the purposes of this Act."

(b) The amendment made by subsection (a) of this section shall become effective as of July 1, 1961.

SEC. 3. Section 11(h) of the Civil Service Retirement Act, as amended (74 Stat. 409; 5 U.S.C. 2261(h)), is amended—

(1) by inserting "(1)" immediately following "(h)"; and

(2) by adding at the end thereof the following:

"(2) Any employee—

"(A) who is separated from the service prior to July 12, 1960; and

"(B) who continues in the service after July 12, 1960, without break in service of one workday or more,

shall be granted the benefits of paragraph (1) of this subsection as if he were separated after July 12, 1960.".

SEC. 4. (a) Section 7(d) and 7(e) of the Civil Service Retirement Act, as amended (70 Stat. 750, 751; 5 U.S.C. 2257 (d) and (e)), are amended to read as follows:

"(d) If such annuitant, before reaching age sixty, recovers from his disability, payment of the annuity shall cease upon reemployment by the Government or one year from the date of the medical examination showing such recovery, whichever is earlier. If such annuitant, before reaching age sixty, is restored to an earning capacity fairly comparable to the current rate of compensation of the position occupied at the time of retirement, payment of the annuity shall cease upon reemployment by the Government or one year from the end of the calendar year in which earning capacity is so restored, whichever is earlier. Earning capacity shall be deemed restored if, in each of two succeeding calendar years, the income of the annuitant from wages or self-employment, or both, shall equal at least 80 per centum of the current rate of compensation of the position occupied immediately prior to retirement.

"(e) If such annuitant whose annuity is discontinued under subsection (d) is not reemployed in any position included in the provisions of this Act, he shall be considered except for service credit, as having been involuntarily separated from the service for the purposes of this Act as of the date of discontinuance of the disability annuity and shall, after such discontinuance, be entitled to annuity in accordance with the applicable provision of this Act. In the case of an annuitant whose annuity is heretofore or hereafter discontinued because of

an earning capacity provision of this or any prior law and such annuitant is not reemployed in any position included in the provisions of this Act, annuity at the same rate shall be restored effective the first of the year following any calendar year in which his income from wages or self-employment, or both, is less than 80 per centum of the current rate of compensation of the position occupied immediately prior to retirement, if he has not recovered from the disability for which he was retired. In the case of an annuitant whose annuity is heretofore or hereafter discontinued because of a medical finding that the annuitant has recovered from disability and such annuitant is not reemployed in any position included in the provisions of this Act, annuity at the same rate shall be restored effective from the date of medical examination showing a recurrence of such disability. Neither the second nor third sentence of this subsection shall be applicable in the case of any person receiving or eligible to receive annuity under the first sentence hereof and who has reached the age of 62 years.".

(b) No annuity payment shall be made, as a result of the amendment made by subsection (a) of this section, for any period prior to January 1 of the year following the year in which this Act is enacted.

SEC. 5. Section 13(b) of the Civil Service Retirement Act, as amended (5 U.S.C. 2263 (b)), is amended by adding at the end thereof the following new sentence: "A similar right to redetermination after deposit shall be applicable to an annuitant (1) whose annuity is based on an involuntary separation from the service, and (2) who is separated, on or after the date of enactment of this sentence, after a period of reemployment on a full-time basis which began before October 1, 1956.".

SEC. 6. The third sentence of section 6(f) of the Civil Service Retirement Act, as amended (5 U.S.C. 2256(f)), is amended to read as follows: "Any Member who completes twenty years of service, or who attains the age of fifty years and shall have served in nine Congresses, or who attains the age of fifty-five years and completes fifteen years of service (at least ten years of which is service as a Member), shall, upon separation from the service (other than by resignation or expulsion), be paid a reduced annuity computed as provided in section 9.".

SEC. 7. Section 6(d) of the Civil Service Retirement Act, as amended (5 U.S.C. 2256 (d)), is amended—

(1) by inserting "(1)" immediately following "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Any congressional employee who completes twenty years of service shall, upon involuntary separation from service as a congressional employee not by removal for cause on charges of misconduct or delinquency, be paid a reduced annuity computed as provided in section 9.".

SEC. 8. (a) The first sentence of section 9(b) of the Civil Service Retirement Act, as amended (5 U.S.C. 2259(b)), is amended by inserting ", or former congressional employee," immediately following the words "congressional employee" where first appearing in such sentence.

(b) The second sentence of such section 9(b) is amended—

(1) by inserting ", or former congressional employee," immediately following the words "congressional employee" where first appearing in such sentence;

(2) by inserting the word "and" immediately following "service," at the end of clause (1) thereof; and

(3) by striking out ", and (3) has served as a congressional employee during the last eleven months of his civilian service".

SEC. 9. Notwithstanding any other provision of law, annuity benefits under the Civil Service Retirement Act, as amended, resulting from the operation of this Act shall be paid from the civil service retirement and disability fund.

Amend the title so as to read: "An Act to amend the Civil Service Retirement Act with respect to interest earnings on special Treasury issues held by the civil service retirement and disability fund, with respect to employees of agricultural stabilization and conservation county committees, and with respect to certain other categories of persons subject to such Act, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. CORBETT. Mr. Speaker, I am not opposed to the bill, but I ask unanimous consent that a second be considered as ordered, for the purpose of some clarifying discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. CORBETT]?

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object—and I do not intend to object—I do demand the regular procedure.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, I understood the Speaker to say there would be no demand for a second.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CORBETT] asked unanimous consent that a second be considered as ordered; and there was no objection.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I had reserved the right to object, but I shall withdraw that.

Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 163]

Alford	Harrison, Va.	Pillion
Andersen, Minn.	Harsha	Powell
	Hébert	Quie
Ashley	Kearns	Rabaut
Bass, Tenn.	Kee	Reece
Bell	Kilburn	Rogers, Tex.
Blatnik	Landrum	Shipley
Brooks, La.	McMillan	Slack
Buckley	Machrowicz	Smith, Miss.
Coad	Milliken	Spence
Curtis, Mo.	Minshall	Steed
Diggs	Moulder	Thompson, La.
Dominick	Pelly	Walter
Donohue	Philbin	Westland
Ford	Pilcher	Wilson, Calif.

The SPEAKER pro tempore. On this rollcall 391 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

AMENDING CIVIL SERVICE RETIREMENT ACT

Mr. MURRAY. Mr. Speaker, I yield 8 minutes to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN. Mr. Speaker, the purpose of the first section of S. 739 is to strengthen the financing of the civil service retirement and disability fund by providing for a new and improved method of determining the interest rates on special Treasury issues held by the fund. The new method will provide a rate of interest more nearly equivalent to the rate of interest being received by people who buy Government obligations in the open market.

There is over $10 billion in the civil service retirement and disability fund, and it has been invested with the Treasurer of the United States. Over a period of history, for a long period of time, from 1920 to 1954, this fund was paid a 4 percent interest rate by the Treasurer. After that it was reduced to 3 percent interest. Then a method was adopted whereby the interest rate was determined by the coupon rate, thereby the interest rate to the disability fund was so reduced that now it is below the market rate that the U.S. Government pays to other people who invest in U.S. Government securities.

I was chairman of the subcommittee of the House Post Office and Civil Service Committee which held hearings on this subject matter, and I will confine my remarks to the first section of the bill. Other provisions of the bill will be discussed by my colleagues on the committee.

Subsection (b) of the first section represents an amendment added by our committee to require that all special issues in which the fund is now invested will be reinvested on or before January 1, 1962, at the new interest rate determined pursuant to S. 739. The administration proposed to apply the new formula only as the existing issues matured extending over the period of the next 15 years.

In summary, the effect of the first section of S. 739 is to require the Secretary of the Treasury to invest new moneys and, by January 1, 1962, to reinvest special Treasury issues now held by the fund at a rate of interest equal to the current average market yield borne by all marketable interest-bearing obligations of the United States not due or callable until after the expiration of 4 years from the date of the special Treasury issue.

The Retirement Act now provides for investment of the fund in special issues at a rate of interest based on the average rate borne by all outstanding Treasury marketable interest-bearing obligations not due or callable until 5 years or more from the date of original issue of the marketable obligation. This formula, based on coupon rates, presently gives the fund an interest rate 1 percent lower than the rate paid by the Treasury on current borrowings for equivalent periods from other sources.

The first section of S. 739, as reported by the House Post Office and Civil Service Committee, will change the basis for determining the interest earnings on special Treasury issues held by the retirement fund in two respects: first, the market yield, rather than the present coupon rate, would be used;

second, the average would be computed on those outstanding marketable interest-bearing public debt obligations that are not due or callable until after expiration of 4 years from the end of the calendar month next preceding the date of the special issue to the fund, instead of 5 years from the date of original issue of the public debt obligations.

The market yield formula proposed by S. 739 currently will provide an interest rate of 3⅞ percent and the coupon rate under existing law currently provides a rate of 2⅞ percent—1 whole percent below the going market interest rate.

There now is over $10.381 billion of the retirement fund in special Treasury issues. The interest rate now being paid on nearly one-fourth of this amount is only 2½ percent and is 2⅝ percent on over 60 percent of the investment. The increase of 1 percent in the interest rate on $10.381 billion thus will result in over $103.81 million additional income annually for the retirement fund.

The condition of below the market interest rates on investments of the fund started in 1956 upon enactment of Public Law 854 of the 84th Congress and has continued ever since. In effect, it amounts to the civil service retirement and disability fund subsidizing interest payments on the public debt.

Under the new formula proposed by S. 739 the retirement fund would be neither subsidized nor penalized and the U.S. Treasury would neither be given a bargain nor forced to pay a premium.

The total normal cost of the current benefit provisions of the Civil Service Retirement Act is 13.83 percent of payroll. Of this total, employees now pay 6½ percent by payroll deductions and the employing agencies pay a like percent from their appropriations. Thus, the fund now receives contributions totaling 13 percent of the annual payroll. The remaining benefit cost of 0.83 percent of payroll—amounting to over $92 million in 1959—is not contributed and continues to increase the actuarial deficiency in the fund, now estimated to be in excess of $32 billion. It is estimated that a long-term interest factor of 3¼ percent would reduce the normal cost for current benefits from 13.83 percent of payroll to 13 percent. Thus, the new interest rate of 3⅞ percent currently expected under the new formula will more than offset the normal cost deficiency of 0.83 percent. We must recognize that in addition to the normal cost of 13.83 percent, there is an additional annual deficiency cost of 7.66 percent of payroll—$850 million—necessary to meet the accruing interest at 3 percent on the estimated deficiencies as of June 30, 1959.

Mr. Speaker, this brief but rather complicated summary of the civil service retirement and disability fund reveals that the normal costs of the current benefits of the employees' retirement system continue to increase the deficiency of the fund each year, while at the same time the fund is subsidizing interest payments on the public debt by over $100 million each year. It is the view of the House Post Office and Civil Service Committee that this policy should be terminated immediately. We believe that the fund should be receiving a market yield interest rate not only on investments hereafter made, but also on the moneys now invested in the special Treasury issues.

Mr. Speaker, S. 739 will provide new interest rate computations for the civil service retirement and disability fund on the same basis as was adopted by law last year for the Federal old-age and survivors insurance trust fund.

I urge that favorable consideration be given to this matter immediately.

Mr. CORBETT. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I rise in support of the bill S. 739. As pointed out by the gentleman from Montana [Mr. OLSEN], there are several sections to this bill. Each section will be explained in detail by various members of the Committee on Post Office and Civil Service. However, Mr. Speaker, I feel that the main section of the bill is the one just explained by the gentleman from Montana [Mr. OLSEN].

What it does, in effect, is merely to change the method of computing interest on the money in the retirement fund used by the Treasury Department. As was stated there is approximately $10.3 billion in the civil service retirement fund which is used by the Treasury Department. Until 1956 the Secretary of the Treasury could arbitrarily set the rate of interest to be paid for the use of those funds. Then in 1956 by act of Congress we established the rate of interest to be the coupon rate which at that time was 2.5 percent and since then has averaged about 2.61 percent.

What we are doing in the first section of this bill is to require that the interest rate which is paid for the use of that money be the average yield on all Treasury bonds or those that have more than 4½ years to run. That average yield is about 3⅞ percent. It makes a more realistic rate for the use of the money that is in the retirement fund.

At the present time it costs about 13.83 percent of the payroll to keep the retirement fund on an actuarially sound current basis. The employee pays 6½ percent of his payroll into the fund, and the Federal Government pays 6½ percent of the payroll into the fund, making a total of 13 percent. So, on the current basis we are 0.83 percent of the payroll short of keeping the fund actuarially sound. By requiring these interest rates paid by the Treasury to be more competitive with those paid to the general public we will make up that 0.83 percent deficit and will, from the bookkeeping standpoint, keep this retirement fund on a much sounder fiscal basis. We have a $32 billion deficit in the fund now that has been allowed to accumulate over a period of years. We certainly want to keep it from going any further in the red than it is now. So that is a very important section of the bill, and I am certain that the overwhelming majority of the Members will support it.

The other sections are rather minor. They are noncontroversial. There is not a great deal of cost involved in the rest of the bill. In fact, there is only one section that has any appreciable cost and that is about $150,000 to $700,000 where, under the present law each employee if he retires on disability and receives more than 80 percent of his income prior to retirement, then goes off disability and cannot get back on it in the future if he is working in private employment. This bill merely provides that in the event an employee goes off disability retirement because he has become more able but later on becomes disabled again, he can go back on disability retirement. It merely helps to streamline the law and make it more fair and equitable. That is the only section of the bill that involves cost to any appreciable degree.

This first section, while on the face of it looks as though it involves cost, is merely a bookkeeping transaction. It raises cost to the Treasury Department and credits the cost as additional income to the retirement fund where it rightfully belongs. I hope the Members of the House will support this legislation as reported by the committee.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. CUNNINGHAM. What is the administration's position on the bill?

Mr. BROYHILL. The administration supports the bill, and certainly this first section.

Mr. CUNNINGHAM. The administration supports the whole bill?

Mr. BROYHILL. There are several sections of the bill, but I know that they do support this first section.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. OLSEN. This particular section was wholeheartedly supported by the Civil Service Commission with the House amendment. The Bureau of the Budget also recommended this entire system in the first section of the bill. However, the Bureau of the Budget did not concur in the House amendment, but they have not voiced any strong opposition to the House amendment.

Mr. MURRAY. Mr. Speaker, I yield such time as he may desire to the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker, as the distinguished chairman of the Post Office and Civil Service Committee, Mr. MURRAY, has indicated, it was my privilege to serve as chairman of the subcommittee which considered H.R. 3059, a bill to correct an inequity in retirement provisions for Agricultural Stabilization and Conservation county committee employees—known nationwide as ASC employees. The provisions of H.R. 3059 now are in section 2 of S. 739.

The Civil Service Retirement Act provisions relating to ASC employees contain an extraordinary restriction on these employees that appears nowhere else in the act for Federal employees generally. In fact, this restriction is diametrically opposed to the historic policy laid down by the Congress throughout the years with respect to the crediting of employees' service for retirement purposes.

Always in the past, as groups of employees have been made subject to the Civil Service Retirement Act, prior service has been credited if the employees paid in their contributions for such prior service at any time before they retire. But when ASC employees became subject to the Retirement Act a provision was inserted in the law requiring that, in order to obtain credit for prior service, they must pay in the entire amount of the contributions due for prior service within 2 years.

There is no justification for such discrimination against this fine and efficient group of employees who for more than two decades have rendered such outstanding service in carrying out important Federal agricultural programs on a cooperative basis with State and local agricultural authorities. They should—and will, by virtue of section 2 of S. 739—be allowed to pay in their contributions for prior services rendered in their programs at any time until they retire, just as Federal employees generally can.

Elimination of this harsh inequity by section 2 of S. 739 should not cause any additional cost to the retirement fund. With the removal of the existing 2-year limitation on their right to make contributions, they will also have the option of accepting reduced annuities when they retire in lieu of paying in such contributions. This same provision applies to Federal employees generally. Undoubtedly the pattern of past experience will be repeated in this instance—that is, many of the employees will be unable to pay in all contributions due for past service and, instead, will elect to receive reduced annuities, thus effecting savings for the retirement fund.

Mr. Speaker, this legislation is necessary to maintain, in the Civil Service Retirement Act, the fundamental principle of equal treatment under the law. I strongly urge approval of S. 739.

Mr. MURRAY. Mr. Speaker, I yield such time as he may desire to the gentlemany from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Speaker, as the chairman of the Post Office and Civil Service Committee has indicated, I served as chairman of the subcommittee which considered H.R. 6261 and the provisions of that bill are now section 4(a) of S. 739.

Section 4(a) corrects an inequity in the Civil Service Retirement Act that in a number of cases has deprived disabled annuitants of their annuities. As the act now stands, a Federal employee who retires on disability and then either recovers from the disability or regains earning capacity equal to 80 percent of the current salary of his former Federal position loses his disability annuity. The annuity can never be restored, even though the disability recurs or he loses the earning capacity upon which discontinuance of his annuity was based.

Section 4(a) will correct this situation by authorizing disability annuities to be restored, after they have been discontinued, if the disability recurs or the earning capacity is lost. This will not apply to disability annuitants who are reemployed in positions subject to the Civil Service Retirement Act, since in such cases new annuity rights will accrue on the basis of the reemployed Federal service.

This provision is based on an official recommendation of the U.S. Civil Service Commission, and has the unanimous approval of the Post Office and Civil Service Committee.

Our subcommittee also approved the amendment contained in section 5 of S. 739, which the Civil Service Commission reports is necessary to correct an inadvertent oversight in section 13(b) of the Civil Service Retirement Act relating to reemployed annuitants.

The Retirement Act as now written discriminates against employees who are retired involuntarily, through no fault of their own, with immediate annuities and then are reemployed, for 5 years or more, as compared to employees who retire voluntarily with immediate annuities and then are reemployed for 5 years or more.

Such a voluntary retiree has the option, when he finally retires from his reemployed service, to combine his entire service—that is, both service before his first retirement and reemployed service—as a single service credit for final computation of his annuity under the law in effect when he finally retires.

But that is not so for the employee whose first retirement was involuntary. His annuity rights for his earlier service are fixed completely at that point, and then when he retires after a period of reemployment he receives a separate annuity based only on the reemployed service.

Section 5 of S. 739 will remove the discrimination, which was not intended and was not noted when the retirement act was written in 1956, and will place both of these classes of retirees on the same basis as to crediting of service.

I strongly recommend that S. 739 be approved by the House.

Mr. CORBETT. Mr. Speaker, I yield such time as he may desire to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, as the member of the subcommittee who offered the amendment to refinance on January 1, 1962, the outstanding obligations at a higher rate of interest and thus put the retirement system on a sounder basis, I wholeheartedly support that provision of the bill.

Mr. Speaker, I strongly concur in the remarks by the chairman of the Post Office and Civil Service Committee, Mr. MURRAY, and by the gentleman from Montana [Mr. OLSEN], with respect to the improved financing for the civil service retirement system provided by the first section of S. 739.

The tremendous deficit of over $32 billion in the civil service retirement fund has resulted, in major part, from failure of the Government to pay into the retirement fund amounts which it should have paid in during the 40 years since the retirement system was created. In no year during this period has the Government contributed the amount which it should have. This failure and the adverse effect on the retirement fund have been compounded by the fact that the Treasury has been saving millions of dollars in recent years by borrowing billions of dollars from the retirement fund at interest rates well below the rates the Treasury must pay on its other marketable obligations.

The interest rates on the special Treasury issues held in the fund are now computed under a formula which went into effect in 1956. At that time the formula resulted in a rate of 2½ percent. At the present time there is over $10.381 billion of the fund invested in special Treasury issues. As of April 30, 1961, the average interest rate on this amount of money was 2.61 percent, more than 1 percent below the going interest rate of 3⅞ percent which is now being paid the public on comparable public debt issues. It is easy to see that this results in a subsidy by the fund of the public debt interest obligations amounting to over $100 million each year.

The subcommittee which held hearings on this bill, of which I was a member, felt that it was time that the retirement fund was given a better deal on the interest payments on their money. As a result the subcommittee added subsection (b) to the first section of S. 739. This section will require that the interest rate payable on all special Treasury issues held by the fund be converted to the new formula on or before January 1, 1962. This new formula will result in additional interest income to the retirement fund of more than $100 million in 1962 and each year thereafter as long as the current favorable interest rate and the amount of money in the fund continues.

Mr. Speaker, I also served as ranking minority member of the subcommittee that considered H.R. 3059, now contained in section 2 of S. 739. This section corrects a highly discriminatory retirement provision that is creating real hardship for many agricultural stabilization and conservation county committee employees—known as ASC employees.

Legislative history which preceded congressional action making ASC employees subject to the Civil Service Retirement Act discloses no good reason for this discriminatory situation.

The Retirement Act provisions for ASC employees should be the same for Federal employees generally, and they are with two important exceptions. ASC employees are required, within 2 years after they became subject to the Retirement Act, to pay in the entire amount of contributions due for past service in order to be credited with such past service. Federal employees generally may pay in such contributions until time of retirement. Moreover, ASC employees who are unable to pay in contributions for past service do not even have the right to receive reduced annuities; they just lose all credit for the past service if they do not pay. Federal employees generally, who do not pay their contributions for any periods of service, may elect reduced annuities when they retire but still are credited with the periods of service for which they have not made contributions. The reductions in their annuities are equal to 10 percent of the amount due which they have not paid in.

Section 2 of S. 739 would place the Retirement Act provisions for ASC employees on a par with the provisions for Federal employees generally with respect to the crediting of past period of service. According to testimony of civil service representatives, there would be no additional costs to the civil service retirement and disability fund.

Mr. CORBETT. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Speaker, I rise in support of this bill. This is a bookkeeping transaction. It is meritorious. It will strengthen the retirement fund. If there was ever a time when we should be looking forward it is today, because at some point in time the $32 billion of obligations under the retirement fund will become due. The step we are taking today is sound financially and it is in the long-term interest of stable government.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 739, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended to read: "An Act to amend the Civil Service Retirement Act with respect to interest earnings on special Treasury issues held by the civil service retirement and disability fund, with respect to employees of agricultural stabilization and conservation county committees, and with respect to certain other categories of persons subject to such Act, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING THE ATOMIC ENERGY ACT OF 1954

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8599) to amend various sections of the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby retroceded to the State of California the exclusive jurisdiction heretofore acquired from the State of California by the United States of America over the following land of the United States Atomic Energy Commission located in Alameda County, State of California, and within the boundaries of the Commission's Livermore site:

Beginning at a post marked L.P. XII, in the exterior boundary line of the Rancho Las Positas, set at the southeast corner of subdivision numbered 6 of plot J, of said rancho, as said plot is described in the decree of partition of said rancho rendered June 18, 1873, in case 2798, Aurrecoechea against Mahhoney, certified copy of which decree was recorded December 13, 1873, in book 95 of deeds at page 206, Alameda County Records, and as said subdivision is shown on the map hereinafter referred to; and running thence west along the southern boundary line of said plot J 79.28 chains to a post marked L.P. XI, set at the southwest corner of subdivision numbered 5 of said plot J, as said subdivision numbered 5 is shown on said map; and thence north along the western boundary line of said subdivision numbered 5 and along the western boundary line of subdivision numbered 8, as said subdivision numbered 8 is shown on said map, 79.46 chains to a post set at the northwest corner of said subdivision numbered 8; thence east along the northern boundary line of said subdivision numbered 8 and subdivision numbered 7 as shown on said map, 79 chains to a post marked L.P. XIII; and thence south along the eastern boundary line of subdivision numbered 7, as said subdivision numbered 7 is shown on said map, and along the eastern boundary line of said subdivision numbered 6 of said plot J to the point of beginning.

Being a portion of said plot J of said rancho, as shown upon a certain map of a portion of the Rancho Las Positas surveyed for J. Aurrecoechea, August 1876, by Luis Castro, county surveyor, and also known as subdivisions 5, 6, 7, and 8 in the official map of the county of Alameda, State of California, made by George L. Nusbaumer and W. F. Boardman, adopted by the supervisors of said county, September 24, 1888, and issued May 1, 1889.

Beginning at the northeast corner of the northwest quarter of section 13, township 3 south, range 2 east, Mount Diablo base and meridian, being also the northeast corner of the 160 acre tract owned by Louis Madsen, thence south 2,640 feet, more or less, along the east line of said quarter section and along the east boundary fence of said 160 acre tract to the southeast corner of said northwest quarter of said section 13, being the southeast corner of said 160 acre tract and the northeast corner of a 30.66 acre tract owned by John and Dora Bargman; thence south 506 feet, more or less, to the southeast corner of said 30.66 acre tract; thence south 965 feet, more or less, along the east fence of a 129.34 acre tract owned by Charles M. and Sue I. G. Nissen to a fence running east and west through said 129.34 acre parcel; thence west 500 feet along said fence through said 129.34 acre tract; thence north, parallel to the east line of the northwest quarter of said section 13, 4,111 feet, more or less, to north boundary of said section 13; thence east 500 feet to the point of beginning, containing 47.175 acres, more or less.

Beginning at a point 30 feet east of the northeast corner of the northwest quarter of said section 13; thence due south, 4,111 feet, more or less, to a point 30 feet due east of the end of a fence across the 129.34 acre tract owned by Charles M. and Sue I. G. Nissen; thence west 30 feet; thence north 4,111 feet, more or less, to the northeast corner of the northwest quarter of said section 13; thence due east 30 feet to the point of beginning, containing 2.83 acres, more or less.

This retrocession of jurisdiction shall take effect upon acceptance by the State of California.

SEC. 2. Subsection 11 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization authorized or permitted by sections 54, 57, 64, 82, 91c, 103, 104, or 144, and made pursuant to section 123."

SEC. 3. Subsection 11 u. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"u. The term 'public liability' means any legal liability arising out of or resulting from a nuclear incident, except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections 170 a., c., and k., claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. 'Public liability' also includes damage to property of persons indemnified: *Provided,* That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs."

SEC. 4. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by inserting after the words "five thousand kilograms of contained uranium 235" the following: "five hundred grams of uranium 233 and three kilograms of plutonium".

SEC. 5. Section 143 of the Atomic Energy Act of 1954, as amended, is amended by striking out "subsection 145b." and adding in lieu thereof "subsections 145b. and 145c."

SEC. 6. Section 145 of the Atomic Energy Act of 1954, as amended, is amended by deleting subsections d., e., and f., redesignating subsection "c." as subsection "d." and subsection "g." as subsection "h." and adding the following subsections:

"c. In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection b. of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

"e. If the President deems it to be in the national interest he may from time to time determine that investigations of any group or class which are required by subsections a., b., and c. of this section be made by the Federal Bureau of Investigation.

"f. Notwithstanding the provisions of subsections a, b, and c of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity, and upon such certification, the investigation, and reports required by such provisions shall be made by the Federal Bureau of Investigation.

"g. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission in making the determination, pursuant to subsections a, b, and c of this section, permitting a person access to restricted data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the restricted data to which access will be permitted."

SEC. 7. Section 151 of the Atomic Energy Act of 1954, as amended, is amended by deleting in the descriptive title the words "MILITARY UTILIZATION," and inserting in lieu thereof "INVENTIONS RELATING TO ATOMIC WEAPONS, AND FILING OF REPORTS."

SEC. 8. Subsection c of section 151 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. Any person who has made or hereafter makes any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such

report. The report covering any such invention or discovery shall be filed on or before the one hundred and eightieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization."

SEC. 9. Section 151 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"e. Reports filed pursuant to subsection c of this section, and applications to which access is provided under subsection d of this section, shall be kept in confidence by the Commission, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commission."

SEC. 10. Section 152 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 152. INVENTIONS MADE OR CONCEIVED DURING COMMISSION CONTRACTS.—Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission, shall be vested in, and be the property of, the Commission, except that the Commission may waive its claim to any such invention or discovery under such circumstances as the Commission may deem appropriate, consistent with the policy of this section. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within thirty days after request therefor by the Commissioner of Patents (unless the Commission advises the Commissioner of Patents that its rights have been determined and that accordingly no statement is necessary) a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall as soon as the application is otherwise in condition for allowances forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of or under any contract, subcontract or arrangement entered into with or for the benefit of the Commission entitling the Commission to the title to the application or the patent the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section. A determination of rights by the Commission pursuant to a contractual provision or other arrangement prior to the request of the Commissioner of Patents for the statement, shall be final in the absence of false material statements or nondisclosure of material facts by the applicant."

SEC. 11. Section 157 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"d. PERIOD OF LIMITATIONS.—Every application under this section shall be barred unless filed within six years after the date on which first accrues the right to such reasonable royalty fee, just compensation, or award for which such application is filed."

SEC. 12. The second sentence of section 158 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "If the court, at its discretion, deems that such licensee shall pay a reasonable royalty to the owner of the patent, the reasonable royalty shall be determined in accordance with section 157."

SEC. 13. Subsections 161 t, u, and v of the Atomic Energy Act of 1954, as amended, are hereby redesignated respectively as subsections 161 s, t, and u.

SEC. 14. Section 167 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 167. CLAIMS SETTLEMENTS.—The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of $5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device, where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises: *Provided, however,* That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. If the Commission considers that a claim in excess of $5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration."

SEC. 15. Subsection d of section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new sentence: "A contractor with whom an agreement of indemnification has been executed and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this section, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability."

SEC. 16. The Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new section:

"SEC. 190. LICENSEE INCIDENT REPORTS.—No report by any licensee of any incident arising out of or in connection with a licensed activity made pursuant to any requirement of the Commission shall be admitted as evidence in any suit or action for damages growing out of any matter mentioned in such report."

SEC. 17. The second sentence of section 202 of the Atomic Energy Act of 1954, as amended, is amended by striking out the word "sixty" and adding in lieu thereof the word "ninety".

SEC. 18. Section 4(c) of the Euratom Cooperation Act of 1958 is amended to read as follows:

"SEC. 4. (c) The Commission shall establish and publish criteria for computing the maximum fuel element charge and minimum fuel element life to be guaranteed by the manufacturer as a basis for inviting and evaluating proposals."

SEC. 19. Section 5 of the Euratom Cooperation Act of 1958 is amended in the following particulars:

(a) by deleting the words "One kilogram" and substituting the words "Nine kilograms" immediately following "Thirty thousand kilograms of contained uranium 235",

(b) by adding the words "Thirty kilograms of uranium 233" as an additional item immediately following "Nine kilograms of plutonium", and

(c) by adding the words "or agreements" immediately following the words "an agreement".

SEC. 20. Section 7 of the Euratom Cooperation Act of 1958 is amended by deleting the period after the word "amended" and inserting thereafter the following: *"And provided further,* That nothing in this section shall apply to arrangements made by the Commission under a research and development program authorized in section 3."

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the bill before us now, H.R. 8599, is the AEC omnibus bill for 1961. The Joint Committee believes that it is a desirable practice for the AEC to submit and the committee to consider, each year any proposed amendments to the Atomic Energy Act of 1954 and related atomic energy legislation. It is our belief that this method will provide the best possible framework for our atomic energy program and in addition will help us to keep pace with emerging developments in atomic energy.

I believe that the amendments proposed in this bill are in keeping with these objectives and accordingly I urge enactment of this bill, H.R. 8599, in the form reported by the committee. Each

provision in the bill has been the subject of extensive hearings and has received the careful consideration of the Joint Committee on Atomic Energy.

The bill as recommended by the committee makes miscellaneous amendments to existing atomic energy legislation.

Section 1 of the bill retrocedes jurisdiction on the AEC's Livermore site to the State of California.

Sections 2 through 17 of the bill amend the Atomic Energy Act of 1954, as amended, in various respects.

Sections 18 through 20 amend the Euratom Cooperation Act of 1958.

The one amendment adopted by the Joint Committee is a technical amendment which provides for inserting the word "the" after the word "at" on page 3, line 8.

At this point I would like to insert in the RECORD a section-by-section analysis of the bill.

Mr. Speaker, I urge enactment of this bill, H.R. 8599.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill provides for the retrocession to the State of California of the exclusive jurisdiction which the United States presently holds over certain portions of the AEC's Livermore site. The amendment would place the Livermore site in the identical jurisdictional status occupied by the majority of the Commission's other sites, including those at, or adjacent to, Los Alamos, Hanford, Oak Ridge, and Idaho Falls. The purpose of this retrocession is to facilitate the handling of local disturbances at the Livermore site. At present, contractor guards have no authority to make arrests except in the status of private citizens. After acceptance of the retrocession by the State of California, it will be possible for appropriate guards to make arrests as peace officers of the State of California. In addition, the retrocession of jurisdiction will enable the trial of offenders at the Livermore site to be held before local justice courts rather than U.S. commissioners. This retrocession will become effective upon acceptance in accordance with the laws of the State of California.

Section 2 of the bill eliminates a technical inconsistency between section 11b and 91c of the Atomic Energy Act of 1954, as amended. Section 91c of the Atomic Energy Act authorizes "the Commission or the Department of Defense with the assistance of the other" to enter into bilateral agreements "with another nation." However, section 11b defines "agreement for cooperation" as "any agreement with another nation or regional defense organization, authorized or permitted by sections 54, 57, 64, 82, 103, 104, or 144 and made pursuant to section 123." This definition does not mention section 91c although section 123 does include cooperative agreements made pursuant to section 91. The proposed amendment eliminates this technical inconsistency by adding section 91c to the sections enumerated in section 11b.

Section 3 of the bill excludes from Atomic Energy Commission indemnity coverage under section 170, any liability for damaged property which is at the site of and used in connection with a licensed activity. Under the Commission's interpretation of section 11 u, indemnity coverage has been extended to onsite property used in connection with a licensed activity on the ground that no exception for onsite property is contained in the first sentence of that section. The language is sufficiently unclear to warrant a clarifying amendment. Accordingly, section 11u will now make it clear that indemnity coverage under section 170 of the Atomic Energy Act will not extend to liability for damage to property of a licensee, located at the site of and used in connection with the licensed activity where the nuclear incident occurs.

Section 4 of the bill amends section 54 of the Atomic Energy Act of 1954, as amended, to authorize the transfer of 3 kilograms of plutonium and 500 grams of uranium 233 to the IAEA. The plutonium is expected to be used primarily in the form of plutonium-beryllium neutron sources, while the uranium 233 is expected to be used principally for research in basic physics and chemistry. Under the terms of section 54 of the Atomic Energy Act of 1954, as amended, uranium 233 and plutonium, falling within the category of "special nuclear material" can be made available to the IAEA only if furnished on a matching basis or pursuant to a specific authorization by the Congress. Since no other nation has contributed uranium 233 or plutonium, the AEC cannot furnish such material on a matching basis. In order to assist IAEA's development as a distribution center for special nuclear material, the AEC has sought, and the committee has recommended this specific authorization for the distribution of the material in question.

Section 5 of the bill amends section 143 of the Atomic Energy Act of 1954, as amended, to permit individuals who are granted security clearance under the provisions of new subsection 145c (sec. 6 of this bill) to exchange restricted data with Department of Defense personnel under the provisions of section 143.

Section 6 of the bill amends section 145 by adding a new subsection c to permit the Commission to grant access to restricted data to any individual who possesses or has possessed a security clearance granted by another Government agency provided that—

1. The security clearance is or was based on an investigation and report furnished to the Commission on the character, associations and loyalty of such individual and made by a Government agency which conducts personnel security investigations, and

2. The Commission shall have determined that permitting the individual to have access to restricted data will not endanger the common defense and security.

By the addition of new subsection c, the present subsection c and those that follow are redesignated and certain minor amendments are made in the redesignated subsections to carry out the purposes of the new subsection c.

Section 7 of the bill amends section 151 of the Atomic Energy Act of 1954 by changing the title of that section from "Military Utilization" to "Inventions Relating to Atomic Weapons, and Filing of Reports." The new title is more accurate and descriptive of the contents of section 151.

Section 8 of the bill amends section 151 c of the Atomic Energy Act of 1954, as amended, by eliminating certain superfluous language and extending the period for filing reports. This amendment alters subsection c. of section 151 in three respects:

1. Clauses (2) and (3) are deleted since they would appear not to embrace any subject not covered by undeleted clause (1).

2. The period within which to file reports of inventions is extended from 90 to 180 days which the committee believes is a more reasonable period.

3. The existing clause "whichever of the following is later either the * * * day after completion of such invention or discovery, or the ninetieth" would be deleted since this clause would appear not to embrace any circumstances not covered by the undeleted clause which remains: "after such persons first discovers or has reason to believe that such invention or discovery is useful in such production or utilization."

Section 9 of the bill amends section 151 of the act by adding a new subsection e. It is the purpose of this amendment to give express statutory sanction to the Commission's existing practice of treating reports of inventions as "business confidential." Under the terms of the amendment, the Commission would not release publicly the information contained in the report without the consent of the inventor unless such a release were necessary to carry out the provisions of an act of the Congress or under such special circumstances as the Commission might determine.

Section 10 amends section 152 of the Atomic Energy Act of 1954, as amended, to substitute certain clarifying phrases for existing language. The amendment has the effect of sharpening the coverage of section 152 by eliminating certain obscure references such as "other relationships" and "in connection with." The purpose of the foregoing changes is to more clearly define the applicability of section 152.

Section 10 also makes two minor changes designed to facilitate the handling of patent applications as follows:

(1) Section 152 now requires a statement from the applicant for a patent giving the full background of the conception or making of the invention or discovery. At the Commission's request, the committee has inserted the following parenthetical phrase: "(unless the Commission advises the Commissioner of Patents that its rights have been determined and that accordingly no statement is necessary)."

This parenthetical phrase will eliminate this requirement where the Commission advises the Commissioner of Patents that its rights have already been determined by contractual arrangement or otherwise.

(2) Section 152 now requires that the Commissioner of Patents will "forthwith" forward copies of the patent application and statement of the Commission. This amendment will substitute the phrase "as soon as the application is otherwise in condition for allowance") in lieu of the word "forthwith." The purpose of this change is to eliminate the necessity for the AEC to examine patent applications prior to an indication by the Commissioner of Patents that the application contains allowable subject matter.

Other minor amendments have been made to section 152 in order to clarify or remove existing superfluous language.

The provisions of section 152 gives the Commission the authority to waive its claim to patent rights. In the belief that some standard applicable to the exercise of the Commission's authority was required, the committee added the words "consistent with the policy of this section." Thus, the language of this bill reads: "* * * except that the Commission may waive its claim to any such invention or discovery under which circumstances as the Commission may deem appropriate, consistent with the policy of this section."

Section 11 of the bill amends section 157 of the Atomic Energy Act of 1954, as amended, by adding a new subsection d. The effect of this amendment is to place a 6-year statute of limitations on suits or applications for patent royalties, patent compensation, and awards instituted under section 157 of the Atomic Energy Act of 1954, as amended.

This amendment codifies the 6-year statute of limitations which the Commission has, in fact, been following under the authority of section 157c(1)(B) and section 157c(2) of the Atomic Energy Act, as amended.

Section 12 of the bill amends section 158 of the Atomic Energy Act of 1954, as amended, to make it discretionary rather than mandatory for a court to require the payment of royalties by a licensee to the owner of a patent who is found guilty of using that patent in violation of the antitrust laws.

Section 13 of the bill is a technical amendment to reletter certain subsections of section 161.

Section 14 amends section 167 of the Atomic Energy Act of 1954, as amended. Under the existing terms of section 167, the Commission is authorized to settle claims up to $5,000 for damages resulting from "any detonation explosion or radiation produced in the conduct of the Commission's program for testing atomic weapons." This amendment will broaden the Commission's authority so as to permit the Commission to settle claims up to $5,000 arising out of the conduct of such programs as the seismic improvement and plowshare programs, whether the resulting damage be caused by a nuclear or nonnuclear explosive device. In addition, the Commission is given new authority to recommend to the Congress meritorious claims in excess of $5,000.

Section 15 of the bill amends subsection d. of section 170 of the Atomic Energy Act of 1954, as amended, by adding a new sentence which has the effect of removing certain defenses based upon the relationship between the Commission and the contractor or sovereign immunity, which may otherwise be available to a contractor engaged in activities connected with the underground detonation of a nuclear explosive device. To the extent that such a contractor is indemnified under the provisions of an agreement of indemnification entered into pursuant to the provisions of section 170d he will be liable in the same manner as a private person acting as principal. Such a contractor, therefore, to the extent so indemnified will not be able to bar liability with defenses grounded upon his agency relationship with the U.S. Government, his sovereign immunity, or the Federal, State, or municipal character of the work performed under the contract. This amendment will not reduce in any way the indemnity protection provided a contractor by the indemnity provisions in his contract whether those provisions are based on section 170d or other authority.

Section 16 of the bill adds a new section 190 to the Atomic Energy Act of 1954, as amended. Under the terms of this new section, no report by a license of any incident arising out of or in connection with a licensed activity, which is made pursuant to any Commission requirement, shall be admitted as evidence in a suit of action for damages growing out of any matter mentioned in such report. The purpose of this amendment is to encourage the free and uninhibited disclosure of the facts surrounding accidents at licensed facilities. Such report may not be used to prove the truth of the facts asserted in the report, but may be used for other purposes in a civil action.

Section 17 of the bill amends section 202 of the Atomic Energy Act of 1954, as amended, by extending the period for holding annual hearings on the "Development, Growth, and State of the Atomic Energy Industry" (202 hearings) from 60 days to 90 days following the beginning of each session of Congress.

Section 18 of the bill amends section 4(c) of the Euratom Cooperation Act of 1958 by eliminating language relating to the establishment of minimum levels of fuel element cost and life in order to remove any statutory implication that the AEC is obliged to publish specific numerical values for fuel element performance and fabrication costs. This amendment is intended to make clear that the Commission need only publish criteria for indicating maximum fuel element charge and minimum fuel element life in connection with the fuel cycle guarantee program under the Euratom Act.

Section 19 of the bill amends section 5 of the Euratom Cooperation Act to authorize the transfer of 8 additional kilograms of plutonium and 30 kilograms of uranium 233 to Euratom. The amendment would further make it clear that this material, as well as all other materials furnished to Euratom, could be supplied under the U.S.-Euratom additional agreement, as well as the joint program. The plutonium in question will be used for research purposes, while the uranium 233 will be used in connection with the startup of an experimental plant for reprocessing irradiated uranium-thorium fuel elements. This experimental plant is a project of the Italian National Committee for Nuclear Research.

Section 20 of the bill amends section 7 of the Euratom Cooperative Act to exempt U.S. research and development contracts from the requirement of disclaimer or indemnity arrangements in favor of the U.S. Government. In the domestic research and development program, if there are indemnity arrangements, they run in favor of the contractor. No reason is perceived to treat these contractors differently on the basis that their work product will be used in connection with Euratom. This amendment is therefore designed to bring research and development contracts under the Euratom cooperation program in line with such contracts in the domestic atomic energy program.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a section-by-section analysis of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I have a question or two. I am not clear on this matter of retroceding to the State of California. Will the gentleman from Colorado explain?

Mr. ASPINALL. As I understand it, the State of California gave or granted certain authority over the land at Livermore. Now that the operation has been carried on as far as it has, we are retroceding certain jurisdiction over that area so that the State of California can better cooperate in its relations with the Atomic Energy Commission.

Mr. GROSS. Not being a lawyer, I am not clear as to what "retroceding" means in this case.

Mr. ASPINALL. It means going away from or granting back.

Mr. GROSS. Did the State of California give this land to the Federal Government or did the Government buy the land? What is the situation with reference to that?

Mr. ASPINALL. The gentleman from Pennsylvania [Mr. VAN ZANDT] just arrived on the floor. He has been with this operation ever since its beginning, and, no doubt, he will be more successful in answering the gentleman.

Mr. GROSS. Can the gentleman tell us whether there was any serious change made or whether any change has been made at all with reference to security checks through the Civil Service Commission? Has the Civil Service Commission been eliminated so far as security checks are concerned?

Mr. HOLIFIELD. Will the gentleman yield so that I may answer him?

Mr. GROSS. Yes; I will be happy to yield to the gentleman. Was any change made in the matter of security checks being carried out by the Civil Service Commission?

Mr. HOLIFIELD. The answer is "No." The Atomic Energy Commission had its own set of criteria for security clearances. This bill will make in order the acceptance of investigative reports by agencies other than the Civil Service Commission or the FBI where they do not deviate from the requirements in the Atomic Energy Act, since the Atomic Energy Commission requirements are stricter, in some instances, for certain specific reasons.

Mr. GROSS. Let us see if we can get this clear. The security checks will run through the Civil Service Commission in whole or in part?

Mr. HOLIFIELD. That is right.

Mr. GROSS. Which is it—in whole or in part? Are all security checks now run through the Civil Service Commission?

Mr. HOLIFIELD. Some are run through the FBI. The routine checks where you have people who are in a lower security classification are run through the Civil Service Commission whereas in the situation where there is very sensitive information involved, the FBI is called in for a special check.

Mr. GROSS. Now then, if I may go back to this question of retroceding, was that land donated by the State of California to the Government?

Mr. HOLIFIELD. The Livermore site was originally acquired by the Navy for a naval air station. Then, it was declared inactive and transferred to the Atomic Energy Commission. So it was a matter of one Government agency transferring it to another.

Mr. GROSS. Now what is happening? Is this land going back to the State of California?

Mr. HOLIFIELD. I am informed by counsel that the only change is that we are only retroceding criminal jurisdiction over activities on the land.

Mr. GROSS. I see. So that it is not actually a change of title to land?

Mr. HOLIFIELD. No; it is not.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. I would like to address this question to the chairman of the committee. Is it not true that all we are doing here is giving local police power to contractor guards in the area occupied by the Livermore facilities?

Mr. HOLIFIELD. That is exactly right. It is only to allow the local AEC contractor guards to be authorized by local police to make arrests rather than the present method of operation under Federal authority.

Mr. GROSS. One other question, if I may ask the gentleman from California [Mr. HOLIFIELD]: Are we selling plutonium and uranium abroad; selling it to foreign countries?

Mr. HOLIFIELD. We have made available to the IAEA a certain amount of this material in small quantities for the purpose of research and development in laboratories, and in those instances they use this material under contract with the United States, and any type of scientific knowledge that is acquired as the result of this research and development immediately becomes available to us.

Mr. GROSS. Do we get any money for this material?

Mr. HOLIFIELD. Well, they pay for it in the form of lease or sale money.

Mr. GROSS. I see.

Mr. VAN ZANDT. Mr. Speaker, if the gentleman will yield further, I might say to the gentleman that written into the contract is a prohibition against any of this material being used for weapon purposes. It is confined to research and development laboratory work.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado [Mr. ASPINALL] that the House suspend the rules and pass the bill H.R. 8599.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

AMEND ATOMIC ENERGY COMMUNITY ACT OF 1955

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1622) to amend the Atomic Energy Community Act of 1955, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Community Act of 1955 is amended in the following respect: Amend section 53c by striking therefrom the words "one year" and substituting in place thereof the words "ninety days".

The SPEAKER pro tempore. Is a second demanded?

Mr. VAN ZANDT. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Speaker, this is a unanimously reported bill. There is no controversy involved in it.

After receiving testimony on the need for this legislation from the Atomic Energy Commission and other witnesses, the committee concluded that the present law, which requires a 1-year waiting period before any of these properties can be sold, was a burdensome law and that it hampered the Commission in disposing of property at these atomic energy communities.

It has long been the purpose of the Government, wherever possible, to sell these homes and the facilities to private individuals where we could get a fair price for them. I understand that the remaining property has already been out on a 1-year advertisement. Now, by reducing the waiting period to 90 days instead of a year, it is hoped that the property sales will be accelerated. More and more of these properties are going off the Government rolls and onto private tax rolls, and thus it is stimulating the economic growth of these communities, and it will also reduce the amount of local assistance which the Federal Government is required to make under certain provisions of the Atomic Energy Act of 1955.

This bill has the endorsement of the Atomic Energy Commission and the Housing and Home Finance Administration. It is my hope that this bill will receive the favorable consideration of the House this afternoon.

I might say that one of these communities is located in the district of the gentlewoman from Washington [Mrs. MAY], the Richmond community. Others are located also at Oak Ridge, Tenn., and Los Alamos, N. Mex. This is a further assistance to the Atomic Energy Commission in carrying out the intent of Congress which was expressed in the 1955 act, and it reduces, roughly, the waiting period in which these properties can be sold after announcement of sale from 1 year to 90 days.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. VAN ZANDT. Is it not true that several years ago the Joint Committee recommended to Congress that we dispose of these facilities in Richmond, Oak Ridge, Los Alamos, and Hanford?

Mr. HOLIFIELD. That is right.

Mr. VAN ZANDT. We are now in the final stages of disposition. By reducing the waiting period from 1 year to 90 days it is hoped we can get this matter finally disposed of in short order.

Mr. HOLIFIELD. That is the intent of the committee and the purpose of the legislation.

Mr. VAN ZANDT. Mr. Speaker, the gentlewoman from Washington [Mrs. MAY] is sponsor of a similar bill, H.R. 6204. I yield to Mrs. MAY such time as she may desire.

Mrs. MAY. Mr. Speaker, I would just say that the people of Richland, in my district, are very much interested in the passage of this legislation and are very grateful to the members of the committee for having brought it to the floor.

I would like to point out that the citizens of Richland believe that the disposal of the remaining commercial property in that area will permit the development of this property and addition of the land to the tax rolls, and that this will result in adding to the revenues of the city and will make possible also a corresponding reduction in the amount of assistance required of the Federal Government.

Mr. VAN ZANDT. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 1622?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSTRUCTION OF A SHELLFISHERIES RESEARCH CENTER AT MILFORD, CONN.

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 606) to provide for the construction of a shellfisheries research center at Milford, Conn.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting through the United States Fish and Wildlife Service, is authorized and directed to construct at Milford, Connecticut, a research center for shellfisheries production and for such purpose acquire such real property as may be necessary. Such research center shall consist of research facilities, a pilot hatchery including rearing tanks and ponds, and a training school, and shall be used for the conduct of basic research on the physiology and ecology of commercial shellfish, the development of hatchery methods for cultivation of mollusks, including the development of principles that can be applied to the utilization of artificial and natural salt water ponds for shellfish culture, and to train persons in the most advanced methods of shellfish culture.

SEC. 2. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $1,325,000 to carry out this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. In order to insure debate I demand a second.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. DINGELL] will be recognized for 20 minutes and the gentleman from Iowa [Mr. GROSS] for 20 minutes.

The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Speaker, I am happy my good friend from Iowa demanded a second, for I think this is a good bill and fairly easy to explain. My good friend and colleague, the gentleman from Connecticut [Mr. GIAIMO], sponsored this legislation in the House.

This bill provides $1,325,000 for the establishment of a shellfisheries research center at Milford, Conn. This will be accomplished by the expansion of an existing facility in the area presently owned by the Federal Government on land which was originally donated to the Federal Government by the State of Connecticut.

The facility as it has so far operated, Mr. Speaker, has for the first time in this country established a method, a pattern, and a technique for the artificial propagation of shellfish which are indigenous to the area and also which are found in other parts of the country.

The amount authorized for additional acquisition of land is approximately $75,000. The balance of the funds authorized will go into the construction of additional facilities which are represented by laboratory buildings, rearing ponds for the holding of large numbers of bivalves which are utilized for study and propagation. The bill will also permit intensive study of the various characteristics of these aquatic animals.

The bill, I think, is made very necessary, Mr. Speaker, by the fact that in recent years pollution, and industrial utilization of waters in which oysters and bivalves spawn, has resulted in a

very reduced level of production in many areas.

The pests and animals which prey on these shellfish have become a great problem by reason of the pollution and other adverse effects. The facility will devote time and energy effectively to the control of starfish and other oyster and clam predators. Weather has adversely affected oysters and clams. The industry not only in this area but in other parts of the country has been in a very depressed state. The testimony of all of the departments was favorable in recommending passage of this bill, and the committee hopes it will result in improved fishing opportunities for those who utilize this resource and will make available to our people additional amounts of a highly valuable and nutritious protein food.

The committee was almost unanimously, if not unanimously, in favor of this legislation. I feel, Mr. Speaker, that this is good legislation and the bill should pass.

Mr. Speaker, at this time I yield such time as he may desire to the coauthor of this bill, the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Speaker, we are talking here of a present facility which now exists in Milford, Conn. This facility has made great steps in the controlled propagation and development of shellfish. The shellfish industry is valued at $26 million in New England alone and considerably greater throughout the country.

The laboratory which presently exists in Milford, Conn., is the only one of its type in the country doing this kind of work. It has done great work in this field, and it will be of a great service to the entire industry.

The bill under consideration has the support of the New England Council, it has the support of the Oyster Institute of North America, it has the support of the National Academy of Sciences, 1960 report on oceanography, which included the functions of this laboratory in its report. It recommended that this be expanded in the fashion proposed in the bill under consideration.

Mr. Speaker, I strongly urge adoption of this measure.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, I trust the few Members who are on the floor—all day there has been less than 100 average on the floor—will observe the way I get my time extended from 2 to 5 minutes just by appealing to the good nature and friendliness of my friend from Iowa [Mr. GROSS].

Mr. GROSS. Generosity and charity also.

Mr. HOFFMAN of Michigan. Deserved generosity and charity. That is the way foreign aid—or mutual security, or the foreign giveaway program went through—liberal with the other fellow's money.

Seriously now, I would like to ask the gentleman in charge of this bill: This is to study the shell industry, or what?

Mr. DINGELL. This bill is to establish a shellfish research laboratory.

Mr. HOFFMAN of Michigan. Shellfish?

Mr. DINGELL. Yes, to study and investigate not only the living habits of the oysters and clams that exist in that part of the country and other parts of the country, but to study a method by which we may utilize and expand our knowledge of the artificial propagation of these animals.

Mr. HOFFMAN of Michigan. Animals? Michigan's Supreme Court said a turkey was an animal. But forget that. Does the gentleman mean some sort of a governmental birth control over them?

Mr. DINGELL. Oh, no.

Mr. HOFFMAN of Michigan. Or the opposite. I am rather slow on understanding just what the scientists or the bureaucrats are trying to do. Does the gentleman mean how to get more little clams or oysters, for example? And without the consent of the papa or mama oyster or clam?

Mr. DINGELL. Yes.

Mr. HOFFMAN of Michigan. And more little oysters and clams?

Mr. DINGELL. Yes.

Mr. HOFFMAN of Michigan. And all shellfish?

Mr. DINGELL. Principally oysters and clams.

Mr. HOFFMAN of Michigan. The gentleman stated shellfish. I recall when we had an organization which studied the love life of the frogs and I do not know how many insects—of course a frog is not an insect, at least I so assume. Is this something of that kind? I concede it may be necessary as long as we continue to overfish, to commercially destroy the source of supply.

Mr. DINGELL. Let me explain to the gentleman that there are places in the world, principally in Japan and on the west coast of the United States at the present time, where we are having to artificially propagate oysters and clams at this time.

Mr. HOFFMAN of Michigan. You mean the oysters I buy are not nature's oysters?

Mr. DINGELL. They may or may not be natural. The simple fact of the matter is that female oysters through their living habits cast out large amounts of seed, and the male oyster casts out large amounts of fertilization.

Mr. HOFFMAN of Michigan. Just like spawning fish? But wait a minute. I do not want to go into that. There are many teenagers who read the RECORD.

Mr. DINGELL. The device is to make the union.

Mr. HOFFMAN of Michigan. Mr. Speaker, I do not yield any further. This is getting beyond me. Mr. Speaker, I go along with the objective; that is to say, anything we can do to increase our supply of shellfish, or fish with tails or fins or something that will give us better animals, vegetables, fruits, berries, or even flowers—bred for a specific objective. I go along with that. When I bred poultry for show I tried to follow Mendel's law. If it is to be applied to people then surely we are no longer individuals free or independent—just parts of a machine.

I know our scientists bring about miracles. I know without the suggestions they have made in the past, we would not now have many of the enjoyable things which all appreciate, but if we are to follow through on this idea of artificial propagation and apply it to the human race, it is just possible our scientists may accept Hitler's idea of a superior race; see to it that the parents of future children are selected by the scientists and that ultimately we will have a race of humans so physically and mentally superior, we will no longer permit marrying for love or any other natural desire or motive, direct the scientists with needle, test tube, whatever other device or procedure they may deem necessary, determine who shall be or not be the parents of future generations.

If that is to be the procedure, then all this civil rights legislation, which today so deeply concerns us, should carry a provision determining the standards or guidelines to be followed by the scientists. Or it may be that it will be necessary to limit or direct the scientists' efforts as to crossbreeding.

The Canadians now have hatcheries where they crossbreed the brook and lake trout, thus, it is said, producing a new species which has all the beauty, tastiness and deliciousness of the brook trout, the bulk and weight of the lake trout.

Am aware we have selective breeding of cattle, horses, poultry—hens which produce more than 300 eggs a year—and if we are ready to concede that man or scientists can do a better job than did the Lord, when he converted Adam's rib into Eve, we are now approaching the day of superior achievement.

If this comes about, presumably the culls, the misfits, will be either sterilized or destroyed and we need no longer think of either duty or affection of parents for children, or concern of the children for the father or mother.

However, is there anything in this bill that will look toward the curtailment or restriction or take by the commercial fishermen? To me the excessive take is a very serious restriction on the scarcity.

Mr. DINGELL. Mr. Speaker, there is nothing in this bill that would curtail the take.

Mr. HOFFMAN of Michigan. If not in this bill it should be in some other bill. I think we should look after that. I note down here almost every season that there are tons of rockfish caught that go to waste. In my local papers I saw where trucks were hauling away tons of carp to be buried or used for fertilizer. While I do not like carp, still they are food fish and some people do. Should we not do something along the line of restricting the take of spawning fish oysters and clams?

Mr. DINGELL. I am certainly sympathetic to doing something along that line.

Mr. HOFFMAN of Michigan. I think if we leave the oysters and clams alone

a little more and let them have a chance to propagate themselves—was that the expression?

Mr. DINGELL. The problem we face with this is that on the one hand today we are speaking to the problems of oysters and oyster culture, and clams and clam culture; whereas, the problem the gentleman points out is one that traditionally the Federal Government has left to the States, and that is the management of our game and fisheries resources.

Mr. HOFFMAN of Michigan. But always the Federal Government is engaged in trying to remedy our problems. Mr. Speaker, I think the objective is good. The gentleman from Michigan [Mr. DINGELL] is quite sure—and I rely on the gentleman a great deal as I did on his father who served here with such distinction for many years—there is no shell game about this?

Mr. DINGELL. Quite sure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman.

Mr. GROSS. I am delighted to note the biological knowledge which the gentleman from Michigan [Mr. HOFFMAN] has displayed.

Mr. HOFFMAN of Michigan. Well, now, the gentleman has reached the age where he should not be interested in that.

Mr. GROSS. I would hope that the gentleman would impart some of that to me.

Mr. HOFFMAN of Michigan. The gentleman needs no help. His knowledge is far superior. He reads the hearings when I cannot.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan [Mr. DINGELL], that the House suspend the rules and pass the bill S. 606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

U.S. PARTICIPATION IN NEW YORK WORLD'S FAIR

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7763) to provide for planning the participation of the United States in the New York World's Fair, to be held at New York City in 1964 and 1965, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized, through such agency or agencies as he may designate, to investigate and make plans and other necessary preliminary determinations and arrangements, including development of theme, proposed exhibit structures and content, for United States participation in the New York World's Fair, to be held in 1964 and 1965.

SEC. 2. The President shall report to the Congress as soon as practicable, but not later than January 15, 1962, his recommendations for such United States participation. No commitments shall be made regarding the scope or nature of such participation except as thereafter authorized by the Congress.

SEC. 3. There shall be within a designated agency the United States Commissioner for the New York World's Fair, whom the President shall appoint, by and with the advice and consent of the Senate, and who shall be compensated at the rate applicable to an Assistant Secretary. The head of the designated agency shall prescribe the duties of the Commissioner and may delegate to him such powers and duties as are deemed advisable in carrying out the preliminary work authorized by this Act and such actual participation as may finally be determined upon and authorized by the Congress.

SEC. 4. The functions authorized hereunder may be performed without regard to such provisions of law or other limitations of authority as the President may specify relating to the employment and compensation of personnel, procurement of goods and services, by contract, and acceptance of voluntary services and other contributions.

SEC. 5. There is hereby authorized to be appropriated not to exceed $300,000 to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MERROW. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from New Hampshire [Mr. MERROW] opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from New Hampshire opposed to the bill?

Mr. MERROW. Mr. Speaker, I am not opposed to the bill as it is now.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from Iowa [Mr. GROSS] opposed to the bill?

Mr. GROSS. Yes, I am opposed to it.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill has one simple purpose—to authorize the Federal Government to make the necessary preliminary studies to determine the nature and extent of its participation in the New York World's Fair in 1964 and 1965. Based upon such studies, the President will send his recommendations to the Congress by January 15, 1962. It will then be up to the Congress to decide whether the United States will participate and to pass the necessary legislation.

The Subcommittee on International Organizations and Movements, of which I am chairman, has examined this matter carefully. We had a representative of the fair appear before us. Briefly, the fair is under the jurisdiction of the New York World's Fair 1964–65 Corp., a nonprofit educational corporation organized under the laws of New York State.

The occasion for the fair is the tercentenary celebration of New York City. But the fair is not an historical or commercial exhibit. It has an educational theme—man's achievements in an expanding universe. To that end there will be exhibition of the best work and products of all nations and a performing arts program jointly sponsored by the fair and the Lincoln Center for the Performing Arts. The site will be the 646-acre tract on Long Island where the 1939 fair was held.

Already more than 50 foreign governments and entities have signified their intention to participate. Twenty States and the Commonwealth of Puerto Rico have arranged for space. Many American corporations and companies covering a wide range of enterprises have signed leases for their exhibits.

Although the opening date is more than 2 years away, it is not too early for the Federal Government to make its plans for participation, subject, of course, to congressional approval. This bill has the unanimous support of the committee. It is recommended by the Department of State and the Department of Commerce. I urge that the House act favorably on this measure.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I would like to ask the gentleman from Florida [Mr. FASCELL] how he arrived at the figure of $300,000 for this purpose for a period of—it is now almost September 1 and the report must be filed by January 15. How is the figure $300,000 arrived at for this purpose?

Mr. FASCELL. By following very carefully the estimate of the Secretary of Commerce as laid out in the report.

Mr. GROSS. How is the money to be spent?

Mr. FASCELL. As detailed in the hearings, page 15, according to the estimate of the Secretary.

Mr. GROSS. Can the gentleman give the Members of the House who have not had the opportunity to read the hearings at least some indication how the money is to be spent?

Mr. FASCELL. I will be very happy to read in detail.

Estimated expenditures or preliminary plans, U.S. participation in New York World's Fair.

Operating personnel, approximately 9 months: Commissioner, $15,000.

Mr. GROSS. Right at that point, how can it be for 9 months when according to the bill the report on participation in the fair must be filed by January 15, 1962. How do you figure 9 months out of that?

Mr. FASCELL. The answer is obvious; if you do not expend the money under the appropriation, if it is approved after the authorization is granted, then it is not spent. But this is just an estimate in anticipation of subsequent congressional approval.

Mr. GROSS. We have every reason to believe if they get $300,000 from Congress that they will spend $300,000.

Mr. FASCELL. That is not necessarily so. The gentleman can assume anything he likes. This is the best estimate we can get from the Department.

Mr. GROSS. Is that not the historic process around here; if $300,000 is appropriated it is spent?

Mr. FASCELL. No, sir.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes.

Mr. HOFFMAN of Michigan. Then they usually come in and ask for a supplemental appropriation.

Mr. GROSS. The gentleman from Florida is saying that they are not going to spend the $300,000.

Mr. HOFFMAN of Michigan. Oh, the gentleman knows better than that.

Mr. FASCELL. I say they may not. But the committee has authorized a ceiling based upon the best estimate the Department can give us at this time. It will be up to the Committee on Appropriations to decide how much specifically and in detail.

Mr. GROSS. If the Members of the House have any real indication of what this is going to be spent for they have more knowledge of this proposition than I have, that is for sure. I still have not learned all the specifics of how this money is to be spent.

Mr. FASCELL. I just got to the first item. I will be glad to read the rest of it.

Estimated expenditures for preliminary plans, U.S. participation in New York World's Fair

1. Operating personnel (9 months):	
Commissioner	$15,000
3 GS–15, assistants to Commissioner (theme development, design coordinator, executive assistant to Commissioner)	30,891
1 GS–9 (clerical)	4,825
2 GS–7 (stenographic)	8,030
1 GS–4 (messenger)	3,030
Total	61,776
Retirement, etc. (7½ percent)	4,409
Subtotal	66,409
2. Design fees and related costs, including necessary architectural and design drawings, art presentations, films, photographic reproductions, models, etc.:	
Exhibition structure	60,000
Exhibit components	100,000
Subtotal	160,000
3. Technical and subject specialists consultant fees	50,000
4. Procurement and related costs, including office equipment, publications, etc	5,000
5. Miscellaneous supplies and services, including office rentals, utilities, etc	11,091
6. Travel	7,500
Total	300,000

Mr. GROSS. So the big items in this bill are for the hiring of consultants and other personnel?

Mr. FASCELL. Scientists and technicians. I think it would be particularly important for this purpose.

Mr. GROSS. There you are. In addition to the $300,000 to be appropriated here—and I do not see how in the world they can reasonably and prudently spend more than $100,000 for planning in 5 months—I call your attention to section 4 of the bill which provides:

The functions authorized hereunder may be performed without regard to such provisions of law or other limitations of authority as the President may specify.

The Foreign Affairs Committee of the House of Representatives, I am sorry to say, has gone berserk in writing provisions into bills delegating untrammeled power to the President. There is hardly a page in the foreign-aid bill that just passed the House that does not provide a delegation of power to the President to set aside laws. This is the road to dictatorship.

Mr. FASCELL. Did the gentleman from Iowa vote for the Seattle exposition bill last session?

Mr. GROSS. The gentleman knows the answer without asking me. I did not vote for that one and I did not vote for Squaw Valley.

Mr. FASCELL. I was not trying to trap the gentleman, I wanted to find out if he voted for the bill, the point of inquiry being that the provisions of law are standard provisions in this type of legislation, having been acted on by the House. It is not an unusual precedent.

Mr. GROSS. As for that and the foreign aid bill, I do not care how many times previously the mistake has been made or it has been slipped through the House of Representatives, it is wrong. If we are going to continue this business of writing into bills of delegated authority to the President, any President, to set aside existing laws at his pleasure, then let us get rubber stamps and simply come to the House floor and rubber stamp these bills. Better still, let us sit over in our offices. Why come to the House floor? Let the distinguished majority leader and minority leader convene the House of Representatives and let us stay in our offices and work our hand stamps on the bills the pages deliver to us. This bill ought to be on the floor under a rule so it could be amended to take this delegation of power and authority out of the bill. Mr. Speaker, I scarcely need to say that I am opposed to this measure.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, this bill was on the Consent Calendar. On the Consent Calendar we could have offered amendments. I understand the gentleman from Iowa [Mr. GROSS] had an amendment to strike the last section. I had one to strike section 4.

Mr. GROSS. How did it get off the Consent Calendar?

Mr. HOFFMAN of Michigan. My understanding is the gentleman from Massachusetts [Mr. MCCORMACK] pushed it off. You did not have anything to do with that for you had an amendment. It was put here where you could not offer an amendment.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. Will you yield me a couple of additional minutes?

I notice the gentleman took his seat. That is the way I thought it would be. You want something for nothing.

Mr. FASCELL. You did not yield any time on your side.

Mr. HOFFMAN of Michigan. You just made the offer very loudly. You have hurt my feelings. I will be flooded down here in the well because of the tears I am shedding.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes additional to the gentleman.

Mr. HOFFMAN of Michigan. May we have order, Mr. Speaker—what is that? That was only at the intercession of the leadership, the gentleman from Massachusetts.

Mr. MCCORMACK. I hope my colleague will leave me out of this.

Mr. HOFFMAN of Michigan. I saw you talking there. I know of your "minimum of high regard" for me as you have expressed it. I thank you, but I do not really need it. We have plenty of time over here so I will just decline, if I may, but I thank you nevertheless.

Mr. MCCORMACK. Mr. Speaker, if the gentleman will yield.

Mr. HOFFMAN of Michigan. Does this come out of my time?

Mr. MCCORMACK. The gentleman from Michigan will not decline to accept the time. Take the 2 minutes even if you do not use it.

Mr. HOFFMAN of Michigan. Don't decline it?

Mr. MCCORMACK. No, do not decline the time.

Mr. HOFFMAN of Michigan. Well, recalling again the gentleman's "minimum of regard" for me, or whatever it was, I will go along.

What I was trying to say was that the coming of the gentleman from Iowa to the Congress and his presence here is one of the most refreshing and encouraging things that has happened since I have been here. It has been and is refreshing and encouraging to become acquainted with him and to listen to him and to be convinced by the gentleman from Iowa [Mr. GROSS] that there are those who believe in our people, in our Government, and who have the courage as he has to speak out and to vote for the principles in which he believes. Coming as he does from the fields—what is it—of corn and wheat and waving grasses and breezes which gather fragrance from blowing over the clover blossoms, I feel encouraged to continue to believe that in the end right will prevail. The gentleman from Iowa is so innocent, he is so inexperienced in political wiles and practices for partisan maneuvers—he is so patriotic, he is so devoted to our form of government, to his people and to the welfare of our country and its security—that he is most amazing in his present surroundings.

I say it is very, very refreshing to me. It gives me encouragement in my declining years. You do not know how happy I am to be privileged to be a Member of the Congress while the gentleman from Iowa has been here. He says he does not quite understand about section 4. That is, it may be due to his innocence of practical politics. Undoubtedly, I am too suspicious, but it occurs to me that with this interparty contest in New York City between the two Democratic factions, that if the power given to the President in this bill, and you heard section 4 read, to give away these jobs and distribute this money in New York, it may

enable the President to have some influence with one Democratic faction or the other and, perhaps, bring harmony to Democratic warring factions in New York, thus again establishing the President's power over the New York electoral vote. As a Republican, I cannot wish the President well in that effort, but nevertheless since they are going to get the money, I hope that now and then a few competent individuals will get in on the execution of the project. It occurs to me that is the only reason—to give a little more money and a few more jobs to the Kennedy political machine for section 4. That practice of oiling and polishing the Kennedy machine is a daily procedure here and, strange as it may seem, the Republican leaders make no open protest. The only reason for section 4 is to give a little more money and a few more jobs to the administration.

Once more I say to the majority leader, the gentleman from Massachusetts [Mr. McCORMACK] I regret very, very much that we have not had as efficient and as effective a political machine over the last few years. I recall my leader, the other day, saying that he had gone along with foreign aid all these years, in the years just gone by. That was just a couple of days ago on last Thursday I think when he said that when he was the leader on our side—the majority leader on our side—he had supported foreign aid. Do you recall that? I know the gentleman from Massachusetts [Mr. McCORMACK] does—it only happens once in a long, long time so he could not forget it. Do you recall that? I remembered then, but I did not want to remember—but the memory came to me in spite of all I could do to resist it—the memory came to me that while he was majority leader here for that short time, it was in the very next election that we lost control of the House. Foreign aid helped defeat us as did a lack of adherence to principle. That is not the only reason why I do not go along with this foreign aid program. We have tried it. We have spent all this money over all these years, and those who have been the foremost advocates of this foreign aid program, like the gentleman from Minnesota [Mr. JUDD], and on your side a number—no need to name them—have said that we have tried it and that it has been a waste of money. They have said—in substance—we are worse off today than ever before. We are in greater danger than ever before. And then by their votes decide they want more of it. I cannot figure it out—so I say to my good friend, I, too, am confused. I only wish I was as innocent and as hopeful of the future as is the gentleman from Iowa [Mr. GROSS]—I do, honestly. When a plan—a practice—by its advocates has admittedly failed—yes, made a bad situation worse, why insist on more of the same?

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. MERROW].

Mr. MERROW. I thank the gentleman for yielding to me.

Mr. Speaker, I cannot quite understand the connection between this piece of legislation and foreign aid. I am sure the money is going to be spent in the United States. This is the usual procedure as far as a world's fair is concerned.

Mr. Speaker, H.R. 7763 authorizes an appropriation of $300,000 to be spent in planning Federal participation in the New York World's Fair to be held in 1964 and 1965.

The city of New York has already voted $24 million to finance its contribution to the fair, which is to be held at Flushing Meadows on the site of the 1939 World's Fair.

This bill authorizes funds for planning purposes only. The recommendations as to the nature and extent of Federal participation in the New York World's Fair will be submitted to the Congress after the planning and estimates to be financed under the authority of this bill have been completed.

The Department of Commerce already has in existence a staff of specialists in the conduct of trade fairs and international expositions, and it is understood that the work connected with planning U.S. participation in the New York Fair will be handled in the Department of Commerce.

The bill authorizes the appointment of a Commissioner, to receive a salary of $20,000, who will be subject to Senate confirmation. The Commissioner will cooperate in the planning activities carried on by the Department of Commerce and will then take over responsibility for U.S. participation in the fair following congressional action authorizing such participation and making funds available.

The plans for the fair are well underway and a considerable sum is being spent in preparing the grounds which are to become a permanent park after the fair is over. It is essential that U.S. participation be carefully worked out in advance.

The bill requires that the President report to the Congress not later than January 15, 1962, his recommendations for U.S. participation. In view of this deadline, it is essential that this bill receive prompt consideration by the Congress.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, this bill is in line with our foreign policy. The President has so stated.

Fairs are usually held to quicken trade; to enhance commerce. That is the purpose of the New York World's Fair. The World's Fair would give the essential fillip to our international trade, friendship and good will, and enhance our exports which, at this time, are desperately needed to prevent the outflow of gold.

New York is the commercial capital of the United States, if not the world. There is unmatched domestic and foreign air service at New York. No city is better suited for a world's fair. We have great hotels, plenty of rooms for visitors, art galleries, theaters, opera, concert halls, and many places of amusement. Transportation to and from the fair grounds at Flushing Meadows in Queens County is excellent and ample.

The cost involved is but $300,000; a small price, indeed, to pay for the future advantages to the Nation, advantages which will be incalculable.

We New Yorkers have supported bills for aid to all parts of the country. We have supported farm bills, dairy bills, metal bills, cotton bills, bills to aid even the States of Iowa and Michigan. You can run the gamut of bills that the New Yorkers have supported in this very chamber. Now we ask for some modicum of support for the great city of New York. I wish to indicate that already some 20 States and the Commonwealth of Puerto Rico have agreed to supply exhibits to the fair, and for all I know the great States of Iowa and Michigan have likewise agreed to have exhibits at the fair. As of July 1961, 50 nations have agreed to participate. More nations will join. It will be a most comprehensive exposition. The recent Governors' conference approved the bill. The Department of State, the Department of Commerce, the White House have all expressed a desire that we pass this bill.

There is precedent for the bill. You have passed numerous bills like the instant one calling for preliminary studies of proposed plans and exhibits of various countries. I hope, indeed, the bill will overwhelmingly pass this House.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Speaker, I want to add to the remarks made by the distinguished gentleman from New York and say that the first profits made from the New York World's Fair are going to be used in building Flushing Meadows Park in Queens County, Long Island.

Anything additional and beyond that will go to the general education fund of the city of New York, which, as you know, is in rather grim and dire circumstances these days. The need in New York for education is beyond what most of us here realize, and by supporting the World's Fair you will lay the groundwork for an estimated $26 million of profit that could go into the New York school system at the termination of 2 years' operation of the World's Fair.

I would now like to address my remarks to the amount of money in the authorization. It so happens that I am the chairman of a committee on behalf of the YMCA's to build an international youth center at the New York World's Fair. Our great problem is getting the seed money for the design, the preliminary engineering work, such as is intended to be financed by this legislation; and I can say that the figures represented here are not exorbitant for the size of the building contemplated by the Federal Government.

In explanation I would like to say that former participation by the Federal Government in world's fairs of recent date include $13,500,000 at the Brussels' World's Fair of 1958.

Mr. Speaker, I ask unanimous consent to include a table of figures in this regard at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

(The matter referred to follows:)

Federal appropriations, fairs and exhibits

New York World Fair (1939–40)	$3,275,000
Golden Gate International Exposition (1939–40)	8,655,660
U.S. Pavilion, Brussels World Fair (180 days) (1958)	13,500,000
Atoms for Peace, Geneva (13 days) (1958)	5,000,000
U.S. Exhibit, Moscow (42 days) (1959) (as of Aug. 25, 1959)	3,600,529
Proposed Century 21 appropriation (18 months) (1961–62, Seattle)	9,000,000
Texas Centennial (1935–36)	3,001,500
Chicago Century of Progress (1933–34)	1,175,000
Panama-Pacific Exposition (1915)	1,374,000
Louisiana Purchase Exposition, St. Louis (1904)	11,068,904
Chicago World Fair (1893)	5,359,219

Mr. BARRY. I urge passage of this legislation.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let there be no misunderstanding about this bill. The gentleman from New York [Mr. CELLER] talks about the State of Iowa being represented at the World's Fair. I do not know whether the State will be represented or not, but I do know that if it is represented it will pay its own way. Is that not correct?

There will not be anything free for nothing.

I am not opposed to the New York World's Fair; I am not opposed to Federal participation; but this bill provides for the expenditure of $300,000 when I say you ought not to be in here asking for more than $100,000 for planning on the extent of Federal participation. That is all we are concerned with today. I am unalterably opposed to this other provision, section 4:

> SEC. 4. The functions authorized hereunder may be performed without regard to such provisions of law or other limitations of authority as the President may specify relating to the employment and compensation of personnel, procurement of goods and services, by contract, and acceptance of voluntary services and other contributions.

This bill ought to be defeated, and the sponsors ought to come back to the House with a reasonable request for Federal participation.

Mr. HALPERN. Mr. Speaker, in acting favorably on H.R. 7762 we are taking a long step forward in planning for Federal participation in the New York World's Fair to be held in New York during 1964–65. This bill calls for a full-scale study to be made by the President and report back to Congress on or before January 15, 1962, as to the nature and extent of such Federal participation.

I was pleased to have joined the distinguished gentleman from New York [Mr. DELANEY] and several other colleagues in the introduction of identical bills to this effect on June 20, 1961. I want to commend the Committee on Foreign Affairs and the House for their prompt and considered attention on the legislation.

The New York World's Fair is well on its way to being one of the most significant events of the century. Already 52 foreign countries and international organizations have signified their intention to exhibit, together with 21 of the United States. Over 35 major corporations and associations have signed leases or have been allocated space. This will be a huge enterprise involving directly or indirectly almost $1 billion in expenditures, and it is well deserving of Federal support.

In these times of international tensions, the staging of such a fair, devoted as it is to the theme, "Peace Through Understanding"—that education of the peoples of the world as to the interdependence of nations will insure a lasting peace—is of enormous significance in the constant struggle for the preservation of the way of life to which we all aspire and are devoted.

Again, I commend the committee and our colleagues on both sides of the aisle for their vision and foresight and trust that the Members of the other body will give this measure equally speedy and favorable action.

Mr. DOOLEY. Mr. Speaker, this legislation which will provide for the preliminary planning by the Federal Government for participation in the New York World's Fair, has my complete and enthusiastic support because of several cogent reasons.

First, New York, being the focal center of world commerce, and possessed of all the requisite means of transportation, entertainment facilities, points of historical interest, and so forth, is ideally suited to the purposes surrounding an international undertaking of this kind.

Second, the executive direction of this great fair is in the hands of experienced and competent men, such as Robert Moses, Thomas Deegan, and others who have contributed much to the well-being of the people of New York. Under their skillful guidance, the event is certain to be conducted in a manner which will enhance our international trade relations, and our reputation for hospitality.

The $300,000 which this bill would authorize will be expended for personnel assistance and for the development of a suitable theme for the fair.

I strongly urge my colleagues to lend this measure their support.

Mr. ADDABBO. Mr. Speaker, I rise in support of H.R. 7763. We must begin preparations for the participation of the United States in the New York World's Fair to be held at New York City in 1964–65.

Here we will have one of our greatest opportunities for advancing our philosophy of government by a free people. We will have the opportunity to display to the world our technology and accomplishments under the free-enterprise system. Effective participation by the United States can have an untold effect upon our future world trade. You will note that I have used the phrase "effective participation"—for our "participation" to be "effective," we must make plans, and preparations take study and time.

I commend the Committee on Foreign Affairs for its foresight in reporting this bill to the House and urge the support of my colleagues.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 7763?

The question was taken; and the Speaker pro tempore announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 353, nays 42, not voting 42, as follows:

[Roll No. 164]

YEAS—353

Abernethy	Corbett	Halpern
Adair	Corman	Hansen
Addabbo	Cramer	Harding
Addonizio	Curtin	Hardy
Albert	Curtis, Mass.	Harris
Alexander	Daddario	Harvey, Ind.
Andrews	Dague	Harvey, Mich.
Anfuso	Daniels	Hays
Arends	Davis, John W.	Healey
Ashley	Davis, Tenn.	Hébert
Ashmore	Dawson	Hemphill
Aspinall	Delaney	Henderson
Auchincloss	Dent	Herlong
Avery	Denton	Hiestand
Ayres	Derounian	Holifield
Bailey	Derwinski	Holland
Baker	Diggs	Holtzman
Baldwin	Dingell	Horan
Baring	Dole	Hosmer
Barrett	Dooley	Huddleston
Barry	Downing	Ichord, Mo.
Bass, N.H.	Doyle	Ikard, Tex.
Bass, Tenn.	Dulski	Inouye
Bates	Durno	Jarman
Battin	Dwyer	Jennings
Becker	Edmondson	Joelson
Beckworth	Elliott	Johansen
Belcher	Ellsworth	Johnson, Calif.
Bennett, Fla.	Everett	Johnson, Md.
Bennett, Mich.	Evins	Johnson, Wis.
Betts	Fallon	Jones, Ala.
Blitch	Farbstein	Jones, Mo.
Boggs	Fascell	Judd
Boland	Feighan	Karsten
Bolling	Fenton	Karth
Bolton	Finnegan	Kastenmeier
Bonner	Fino	Kearns
Bow	Fisher	Keith
Boykin	Flood	Kelly
Brademas	Flynt	Keogh
Bray	Fogarty	Kilday
Breeding	Forrester	Kilgore
Brewster	Fountain	King, Calif.
Brooks, Tex.	Frazier	King, N.Y.
Broomfield	Frelinghuysen	King, Utah
Brown	Friedel	Kirwan
Broyhill	Fulton	Kitchin
Burke, Ky.	Gallagher	Kluczynski
Burke, Mass.	Garland	Knox
Burleson	Garmatz	Kornegay
Byrne, Pa.	Gary	Kowalski
Byrnes, Wis.	Gathings	Kunkel
Cahill	Gavin	Laird
Cannon	Giaimo	Lane
Carey	Gilbert	Lankford
Casey	Glenn	Latta
Cederberg	Goodell	Lennon
Celler	Goodling	Lesinski
Chamberlain	Granahan	Libonati
Chelf	Grant	Lindsay
Chenoweth	Gray	Lipscomb
Church	Green, Oreg.	Loser
Clancy	Green, Pa.	McCormack
Clark	Griffin	McCulloch
Coad	Griffiths	McDonough
Cohelan	Gubser	McDowell
Collier	Hagan, Ga.	McFall
Conte	Hagen, Calif.	McIntire
Cook	Haley	McSween
Cooley	Halleck	McVey

Macdonald	Peterson	Sikes
Machrowicz	Pfost	Siler
Mack	Pike	Sisk
Madden	Pirnie	Smith, Calif.
Magnuson	Poage	Smith, Iowa
Mahon	Poff	Smith, Miss.
Mailliard	Price	Spence
Marshall	Pucinski	Stafford
Martin, Mass.	Rains	Staggers
Martin, Nebr.	Randall	Steed
Mason	Ray	Stephens
Mathias	Reuss	Stratton
Matthews	Rhodes, Ariz.	Stubblefield
May	Rhodes, Pa.	Sullivan
Meader	Riehlman	Taber
Merrow	Riley	Teague, Calif.
Michel	Rivers, Alaska	Teague, Tex.
Miller, Clem	Rivers, S.C.	Thomas
Miller, George P.	Roberts	Thompson, La.
	Robison	Thompson, N.J.
Mills	Rodino	Thompson, Tex.
Moeller	Rogers, Colo.	Thornberry
Monagan	Rogers, Fla.	Toll
Montoya	Rogers, Tex.	Tollefson
Moore	Rooney	Trimble
Moorehead, Ohio	Roosevelt	Tuck
	Rostenkowski	Tupper
Moorhead, Pa.	Roush	Vanik
Morgan	Rutherford	Van Pelt
Morris	Ryan	Van Zandt
Morse	St. George	Vinson
Mosher	St. Germain	Wallhauser
Moss	Santangelo	Watts
Moulder	Saund	Weis
Multer	Saylor	Whalley
Murphy	Schadeberg	Wharton
Murray	Schenck	Whitener
Natcher	Scherer	Whitten
Nix	Schneebeli	Wickersham
Norrell	Schweiker	Williams
O'Brien, Ill.	Schwengel	Willis
O'Brien, N.Y.	Scott	Winstead
O'Hara, Ill.	Scranton	Wright
O'Hara, Mich.	Seely-Brown	Yates
Olsen	Selden	Young
Osmers	Shelley	Zablocki
Ostertag	Sheppard	Zelenko
Patman	Shriver	
Perkins	Sibal	

NAYS—42

Abbittt	Findley	Nygaard
Alger	Gross	O'Konski
Anderson, Ill.	Hall	Passman
Ashbrook	Harrison, Wyo.	Quie
Beermann	Hechler	Reifel
Berry	Hoeven	Roudebush
Bromwell	Hoffman, Ill.	Rousselot
Bruce	Hoffman, Mich.	Short
Colmer	Jensen	Thomson, Wis.
Cunningham	Jonas	Utt
Davis, James C.	Kyl	Weaver
	Langen	Wilson, Ind.
Devine	MacGregor	Younger
Dorn	Nelsen	
Dowdy	Norblad	

NOT VOTING—42

Alford	Hull	Powell
Andersen, Minn.	Kee	Rabaut
	Kilburn	Reece
Bell	Landrum	Shipley
Blatnik	McMillan	Slack
Brooks, La.	Miller, N.Y.	Smith, Va.
Buckley	Milliken	Springer
Chiperfield	Minshall	Taylor
Curtis, Mo.	Morrison	Udall, Morris K.
Dominick	O'Neill	Ullman
Donohue	Pelly	Walter
Ford	Philbin	Westland
Harrison, Va.	Pilcher	Widnall
Harsha	Pillion	Wilson, Calif.

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Shipley with Mr. Kilburn.
Mr. McMillan with Mr. Andersen of Minnesota.
Mr. Morrison with Mr. Chiperfield.
Mr. Buckley with Mr. Pillion.
Mr. Blatnik with Mr. Milliken.
Mr. Hull with Mr. Springer.
Mr. O'Neill with Mr. Dominick.
Mr. Philbin with Mr. Bell.
Mr. Donohue with Mr. Harsha.
Mr. Powell with Mr. Miller of New York.
Mr. Rabaut with Mr. Westland.
Mr. Ullman with Mr. Curtis of Missouri.
Mr. Walter with Mr. Minshall.
Mr. Taylor with Mr. Ford.
Mr. Pilcher with Mr. Widnall.
Mr. Brooks of Louisiana with Mr. Pelly.
Mrs. Kee with Mrs. Reece.
Mr. Slack with Mr. Wilson of California.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to extend their remarks prior to the roll-call vote on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DEPOSITORY LIBRARIES

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8141) to revise the laws relating to depository libraries.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Depository Library Act of 1961".

The term "Government publication" as used in this Act and the amendments made by it means informational matter which is published as an individual document at Government expense, or as required by law.

Government publications, except those determined by their issuing components to be required for official use only or those required for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of publications, except those required for official use only or those required for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, which it issued during the previous month that were obtained from sources other than the Government Printing Office.

SEC. 2. That section 501 of the Revised Statutes, as amended (March 1, 1907, ch. 2284, sec. 4, 34 Stat. 1014; 44 U.S.C. 82), is hereby amended to read as follows:

"SEC. 501. The Government publications, which may be selected from lists prepared by the Superintendent of Documents and when requested from him, shall be distributed to depository libraries specifically designated by law and to such libraries as may have been designated by each of the Senators from the several States, respectively, and as have been or shall be designated by the Representatives in Congress from each congressional district and at large, and by the Delegate from each Territory, or the Resident Commissioner from Puerto Rico: *Provided,* That additional libraries within areas served by Representatives or the Resident Commissioner from Puerto Rico may be designated by them to rceive Government publications to the extent that a total of not more than two such libraries, other than those specifically designated by law, which are qualified to fulfill minimum requirement as provided by law for depository libraries, may be designated within each area; however, before any additional library within a congressional district or the Commonwealth of Puerto Rico shall be designated as a depository for Government publications, the head of that library shall furnish his Representative or the Resident Commissioner from Puerto Rico, as the case may be, with justification of the necessity for the additional designation. This justification, which shall also include a certification as to the need for the additional depository library designation, shall be signed by the head of every existing depository library within the congressional district or the Commonwealth of Puerto Rico or by the head of the library authority of the State or the Commonwealth of Puerto Rico, within which the additional depository library is to be located. The justification for additional depository library designation shall be transmitted to the Superintendent of Documents by the Representative or the Resident Commissioner from Puerto Rico, as the case may be."

SEC. 3. That section 502 of the Revised Statutes, as amended (January 12, 1895, ch. 23, secs. 53 and 61, 28 Stat. 608 and 610; 44 U.S.C. 83), is hereby amended to read as follows:

"SEC. 502. The Superintendent of Documents shall currently issue a classified list of Government publications in suitable form, containing annotations of contents and listed by item identification numbers in such manner as to facilitate the selection of only those publications which may be needed by designated depository libraries. The selected publications shall be distributed to depository libraries in accordance with regulations issued by the Superintendent of Documents, so long as they fulfill the conditions provided by law."

SEC. 4. That section 5 of the Act of June 23, 1913 (38 Stat. 75, ch. 3; 44 U.S.C. 84) is hereby amended to read as follows:

"SEC. 5. The designation of a library to replace any one of not more than two depository libraries, other than those specifically designated by law, within a congressional district or the Commonwealth of Puerto Rico may be made only when the library to be replaced shall cease to exist, when the library voluntarily relinquishes its depository status, or when the Superintendent of Documents determines that it no longer fulfills the conditions provided by law for depository libraries."

SEC. 5. That section 4 of the Act of March 1, 1907, as amended (34 Stat. 1014, ch. 2284, and 52 Stat. 1206, ch. 708; 44 U.S.C. 85), is hereby amended to read as follows:

"SEC. 4. Upon request of the Superintendent of Documents, the components of the Government which order the printing of publications shall either increase or decrease the number of copies of publications furnished for distribution to designated depository libraries and State libraries so that the number of copies delivered to the Superintendent of Documents shall be equal to the number of libraries on the list: *Provided,* That the number thus delivered shall at no time exceed the number authorized under existing statute: *Provided further,* That such copies of publications which are furnished the Superintendent of Documents for distribution to designated depository libraries shall include the journals of the Senate and House of Representatives; all publications, not confidential in character, printed upon the requisition of any congressional committee; all Senate and House public bills and resolutions; and all reports on private bills, concurrent or simple resolutions; but shall not include so-called cooperative publications which must necessarily be sold in order to be self-sustaining.

"The Superintendent of Documents shall currently inform the components of the Government which order the printing of publications as to the number of copies of their publications required for distribution

to depository libraries. The cost of printing and binding those publications which are distributed to depository libraries, when obtained elsewhere than from the Government Printing Office, shall be borne by components of the Government responsible for their issuance; those requisitioned from the Government Printing Office shall be charged to appropriations provided the Superintendent of Documents for that purpose.

"All land-grant colleges shall be constituted as depositories to receive Government publications subject to the provisions and limitations of the depository laws."

SEC. 6. That section 70 of the Act of January 12, 1895 (28 Stat. 612, ch. 23; 44 U.S.C. 86), is hereby amended to read as follows:

"SEC. 70. Each library which may hereafter be designated by Representatives or the Resident Commissioner from Puerto Rico as a depository of Government publications shall be able to provide custody and service for depository materials and be located in an area where it can best serve the public need, and shall be located within an area not already adequately served by existing depository libraries. The Superintendent of Documents shall receive reports from designated depository libraries at least every two years concerning the condition of each and shall make firsthand investigation of conditions for which need is indicated; the results of such investigations shall be included in his annual report. Whenever he shall ascertain that the number of books in any such library is below ten thousand, other than Government publications, or it has ceased to be maintained so as to be accessible to the public, or that the Government publications which have been furnished the library have not been properly maintained, he shall delete the library from the list of depository libraries if the library fails to correct the unsatisfactory conditions within six months. The Representative or the Resident Commissioner from Puerto Rico in whose area the library is located shall be notified and shall then be authorized to designate another library within the area served by him, which shall meet the conditions herein required, but which shall not be in excess of the number of depository libraries authorized by law within each district or the Commonwealth of Puerto Rico."

SEC. 7. That section 98 of the Act of January 12, 1895 (28 Stat. 624, ch. 23; 44 U.S.C. 87), is hereby amended to read as follows:

"SEC. 98. The libraries of the executive departments, of the United States Military Academy, of the United States Naval Academy, and of the United States Air Force Academy are constituted designated depositories of Government publication. A depository library within each independent agency may be designated upon certification of need by the head of the independent agency to the Superintendent of Documents. Additional depository libraries within executive departments and independent agencies may be designated to receive Government publications to the extent that the number so designated shall not exceed the number of major bureaus or divisions of such departments and independent agencies. These designations shall be made only after certification by the head of each executive department or independent agency to the Superintendent of Documents as to the justifiable need for additional depository libraries. Depository libraries within executive departments and independent agencies are authorized to dispose of unwanted Government publications after first offering them to the Library of Congress and the National Archives."

SEC. 8. That section 74 of the Act of January 12, 1895, as amended (28 Stat. 620, ch. 23; and sec. 11, 49 Stat. 1552, ch. 630; 44 U.S.C. 92), is hereby amended to read as follows:

"SEC. 74. All Government publications of a permanent nature which are furnished by authority of law to officers (except Members of Congress) of the United States Government, for their official use, shall be stamped 'Property of the United States Government', and shall be preserved by such officers and by them delivered to their successors in office as a part of the property appertaining to the office. Government publications which are furnished to depository libraries shall be made available for the free use of the general public, and may be disposed of by depository libraries after retention for a minimum period of five years, and in accordance with the provisions of section 9 of the Depository Library Act of 1961, if the depository library is served by a regional depository library. When the depository libraries are not served by a regional depository library, or if they are regional depository libraries themselves, the Government publications, except superseded publications or those issued later in bound form which may be discarded as authorized by the Superintendent of Documents, shall be retained permanently in either printed form or in microfacsimile form."

SEC. 9. Not to exceed two depository libraries in each State and the Commonwealth of Puerto may be designated as herein provided to be regional depositories, and as such shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries; and in addition shall be entitled to receive a microfacsimile copy of these Government publications which the Superintendent of Documents determines to be suitable for such form of reproduction and which can be furnished by him within the limit of available appropriations. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after approval by the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the library to be so designated that the library will, in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications, either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and within the region served will provide interlibrary loan, reference service, and assistance for depository libraries in the disposal of unwanted Government publications as herein provided. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when designation is made.

The libraries designated as regional depositories shall be authorized to permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for at least five years after first offering them to other depository libraries within their area, then to other libraries, and then if not wanted to discard.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this bill has passed the House on two occasions previously, in the 85th and 86th Congress. The bill was never acted upon in the other body. I might say to you, I would not be bothering the House with it this afternoon except that I have had some indication from the other body that there is a considerable amount of interest in seeing that it is acted on.

Mr. Speaker, briefly, what this legislation does is to revise the laws relating to depository libraries. The first law with reference to depository libraries was passed in 1895. There are two principal features of the act which I think are important. The first is that it allows, under certain conditions, Members of Congress to designate an additional depository library in their district.

Secondly, it allows present and future depository libraries after 5 years to dispose of documents which they no longer consider essential.

Of course, Mr. Speaker, this is going to cost some money, but, on the other hand, by allowing these libraries which are presently designated to get rid of these excess documents and to clear their shelves, it is going to save money. When I headed the Committee on Nonessential Government Printing which was a select committee, we made a thorough study of this matter. We think the additional cost will possibly almost be balanced off by the savings, not to the Federal Government directly but to the depository libraries, many of which are in State universities and other institutions aided by the Federal Government.

This is a revision of a law which has been on the books for some 66 years, and I might just take the time of the House to explain one situation. I say to you that the gentleman from Ohio who is now addressing you has no libraries in his district that wish to be designated. It does not affect my district. But, I can cite you one instance in which a college was designated some 60 years ago which today has 800 students. A later university in that district, which is the State university, has grown up in the intervening years with a total student population of 10,000, yet that university with 10,000 students cannot be designated under existing law.

Mr. GROSS, Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I had this bill put over on the consent calendar for the reason that it contained no reports from any of the agencies of Government. Has the gentleman now received reports from other agencies of the Government?

Mr. HAYS. I will say this to the gentleman, that the bill first presented was identical except for some technical amendments. In 1958 we wrote to 42 heads of agencies, and at the time we had the hearings we had received reports back from about 30-odd of them and there were no objections except in one instance, and that was in the language providing that the depositary libraries should be furnished with microfilms and the Superintendent of Documents had some question about that which now, I believe, has been resolved to his satisfaction. We did not print all this over again. We contacted these agencies by telephone and they told us that their views on the matter were not changed, and we saved some 15 to 20 pages of printing. But, we did get a letter from the Comptroller, and he had no

objections except for a couple of technical amendments.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, then there are no objections from any of the agencies or departments of Government?

Mr. HAYS. Not to my knowledge, I will say.

Mr. GROSS. I thank the gentleman.

Mr. HAYS. Mr. Speaker, I now yield such time as he may desire to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, I rise in support of H.R. 8141 which would make several badly needed and fully deserving revisions in the law governing Federal depository libraries.

While the report of the Committee on House Administration has clearly spelled out the major provisions of this bill, there is one section which I would like to emphasize in particular. At the present time, each congressional district is limited to one depository library. Many districts, however, and mine is certainly one, have a much greater demand for accessible public documents than can be met by such a limited source.

For example, in my own district the Oakland Public Library received depository status many years ago. While this library continues to make important Federal documents available to a large segment of the community, new libraries, such as the Earl Warren Legal Center at the University of California, have since been established; libraries which have a great need for the materials made available to depositories.

I am convinced, after studying this and other cases, that we should have greater flexibility in our law, and I believe that the Committee on House Administration has recognized this need in a wise and correct manner by providing for a limited expansion of depository libraries within each district.

Mr. Speaker, these revisions in the law governing depository libraries have been thoroughly reviewed by the committee and, in fact, were passed by the House in both the 85th and 86th Congresses. I urge the House to act favorably on this measure again today so that it will be possible to obtain the necessary Senate approval before the close of this session.

Mr. SCHENCK. Mr. Speaker, our committee has fully considered this legislation as my colleague, the gentleman from Ohio, has stated, on a number of occasions. It has been well justified as being a worthy piece of legislation and should be approved.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio [Mr. HAYS], that the House suspend the rules and pass the bill H.R. 8141.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

IDENTICAL BIDS TO PUBLIC AGENCIES

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8603) to amend the Federal Property and Administrative Services Act of 1949 to provide for public information and publicity concerning instances where competitors submit identical bids to public agencies for the sale or purchase of supplies, equipment, or services, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to provide for reports of State, local, and Federal procurement officers to the Attorney General in instances where identical bids are made by competing bidders on contracts for purchases or sales by public agencies, in order to provide public information and publicity concerning such bids, and to make more effective the enforcement of the antitrust laws.

SEC. 2. Section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252) is amended by striking out subsections (d) and (e) thereof and inserting in lieu thereof the following:

"(d) If, in the opinion of the agency head, bids received after advertising evidence any violation of the antitrust laws, he shall refer such bids to the Attorney General for appropriate action. In any case in which a referral of bids is required by this subsection and a report of the bid proceedings is required by subsection (e), the referral shall be made in addition to and separately from the report.

"(e) (1) Whenever, in connection with a procurement of property or services exceeding $10,000 in total amount and made pursuant to an advertisement for bids, the head of any executive agency shall receive two or more bids—

"(A) which are identical as to unit price or total amount, or

"(B) which, after giving effect to discounts and all other relevant factors, he shall consider to be identical as to unit price or total amount,

then he shall make a report of the bid proceedings to the Attorney General not later than twenty days following the award. Whenever two or more bids of the nature described in clauses (A) and (B) hereof are received in bid proceedings which result for any reason in the rejection of all bids and the total value of the property or services bid upon is estimated by the head of the agency to be in excess of $10,000, he shall make a report of such proceedings to the Attorney General not later than twenty days following the rejection. Notwithstanding the preceding provisions of this paragraph, a report shall not be made of bid proceedings in which only foreign sources have participated and in connection with which delivery and performance is to take place outside the United States.

"(2) The reports required by paragraph (1) shall be in a form prescribed by the Attorney General and shall include the following information and such other information as he may prescribe:

"(A) The name and location of the particular component of the agency which advertised for the bids;

"(B) The amount and a description of the property or services for which bids were solicited, and the proposed date of delivery or performance;

"(C) The date of opening of the bids; and

"(D) The names and addresses of all bidders and as to the bid of each—

"(i) the unit price and terms of discount, if any, together with a notation of origin specified by the bidder and a statement whether freight and any other costs of transportation to the point of delivery are included or excluded;

"(ii) in the case of an accepted bid identical, or considered to be identical, as to unit price or total amount with another, the method by which selected; and

"(iii) if bids were rejected whether—

"(aa) an invitation for new bids was issued; or

"(bb) a purchase of, and contract to purchase, the items, commodities, or services in question was made by negotiation; or

"(cc) the proposal to purchase the items, commodities, or services in question was abandoned;

"(E) The proposed delivery date of the item, commodity, or service specified in the invitation to bid, or, if more than one date is involved, the beginning date and the completion date.

"(f) Each bid made in connection with a purchase of or contract for property or services must be accompanied by an affidavit certifying that—

"(1) the bid has been arrived at by the bidder independently and has been submitted without collusion with, and without any agreement, understanding, or planned common course of action with, any other vendor of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition, and

"(2) the contents of the bid have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid, and will not be communicated to any such person prior to the official opening of the bid.

"Such affidavit shall be signed by the bidder if he is an individual, by a partner if the bidder is a partnership, or by an officer or employee of the corporation having power to sign on its behalf if the bidder is a corporation and shall state that the person signing the affidavit has fully informed himself regarding the accuracy of the statements made therein.

"As used in this subsection, the term 'bid' shall include any price or price quotation made, offered, or given by a vendor or seller of materials, supplies, equipment, or services whether made, offered, or given in response to an invitation to bid; as a result of negotiation with the purchaser thereof, or otherwise, and the term 'bidder' shall include any vendor or seller of materials, supplies, equipment, or services who makes, offers, or gives to the purchaser thereof any bid, price, or price quotation.

"(g) This section shall not be construed to (A) authorize the erection, repair, or furnishing of any public building or public improvement, but such authorization shall be required in the same manner as heretofore, or (B) permit any contract for the construction or repair of buildings, roads, sidewalks, sewers, mains, or similar items to be negotiated without advertising as required by section 303, unless such contract is to be performed outside the continental United States or unless negotiation of such contract is authorized by paragraph (1), (2), (3), (10), (11), (12, or (14) of subsection (c) of this section."

SEC. 3. Subsection (e) of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)) is amended by adding at the end thereof the following new paragraph:

"(8) Whenever, in connection with a disposal or contract for disposal of surplus property for more than $10,000 in total amount pursuant to an advertisement for bids under paragraph (1) of this subsection, the head of an executive agency shall receive two or more bids—

"(A) which are identical as to unit price or total amount, or

"(B) which, after giving effect to all relevant factors, he shall consider to be identical as to unit price or total amount,

then he shall make a report of the bid proceeding to the Attorney General not later than twenty days following the award to the purchaser. Whenever two or more bids of the nature described in clauses (A) and (B) hereof are received in bid proceedings which result for any reason in the rejection of all bids and the total sales value of the offered property is estimated by the head of the agency to be in excess of $10,000, he shall make a report of such proceedings to the Attorney General not later than twenty days following the rejection. The reports required by this paragraph shall be in a form prescribed by the Attorney General and shall contain information required by section 302(e)(2) of this Act. Notwithstanding the preceding provisions of this paragraph, a report shall not be made of bid proceedings in which only foreign sources have participated and in connection with which delivery and performance is to take place outside the United States."

SEC. 4. Section 2304 of title 10 of the United States Code is amended by adding a new subsection (g) to read as follows:

"(g) Each bid made in connection with a purchase of or contract for property or services must be accompanied by an affidavit certifying that—

"(1) the bid had been arrived at by the bidder independently and has been submitted without collusion with, and without any agreement, understanding, or planned common course of action with, any other vendor of materials, supplies, equipment or services described in the invitation to bid, designed to limit independent bidding or competition, and

"(2) the contents of the bid have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid, and will not be communicated to any such person prior to the official opening of the bid.

"Such affidavit shall be signed by the bidder if he is an individual, by a partner if the bidder is a partnership, or by an officer or employee of the corporation having power to sign on its behalf if the bidder is a corporation and shall state that the person signing the affidavit has fully informed himself regarding the accuracy of the statements made therein.

"As used in this subsection, the term 'bid' shall include any price or price quotation made, offered, or given by a vendor or seller of materials, supplies, equipment or services whether made, offered or given in response to an invitation to bid; as a result of negotiation with the purchaser thereof, or otherwise, and the term 'bidder' shall include any vendor or seller of materials, supplies, equipment or services who makes, offers or gives to the purchaser thereof any bid, price or price quotation."

SEC. 5. Section 2305 of title 10 of the United States Code is amended by striking out subsection (d) thereof and inserting in lieu thereof the following new subsections:

"(d) If the head of the agency considers that any bid received after formal advertising evidences a violation of the antitrust laws, he shall refer the bid to the Attorney General for appropriate action. In any case in which a referral of a bid is required by this subsection and a report of the bid proceedings is required by subsection (f), the referral shall be made in addition to, and separately from, the report.

"(e) Whenever, in connection with a purchase of, or contract for, property or services exceeding $10,000 in total amount made by formal advertising, the head of an agency shall receive two or more bids—

"(1) which are identical as to unit price or amount, or

"(2) which, after giving effect to discounts and all other relevant factors, he shall consider to be identical as to unit price or total amount.

then he shall make a report of the bid proceedings to the Attorney General not later than twenty days following the award. Whenever two or more bids of the nature described in clauses (1) and (2) hereof are received in bid proceedings which result for any reason in the rejection of all bids and the total value of the property or services bid upon is estimated by the head of the agency to be in excess of $10,000, he shall make a report of such proceedings to the Attorney General not later than twenty days following the rejection. The reports required by this subsection shall be in a form prescribed by the Attorney General and shall contain the information required by section 302(e)(2) of the Federal Property and Administrative Services Act of 1949 and such other information as he may prescribe. Notwithstanding the preceding provisions of this subsection, a report shall not be made of bid proceedings in which only foreign sources have participated and in connection with which delivery and performance are to take place outside the United States."

SEC. 6. In the case where two or more bids are received after advertising by the head of any executive agency and such bids are identical as to price, and are not subject to the reporting requirements of section 203(e)(8) or of section 302(e) of the Federal Property and Administrative Services Act of 1949 or the reporting requirements of section 2305(f) of title 10 of the United States Code, then the head of such agency shall make a report to the Attorney General with respect to such bids which shall contain all the information required in the case of a report filed under section 302(e) of the Federal Property and Administrative Services Act of 1949.

SEC. 7. The Attorney General shall invite State and local governments to transmit to him reports of advertised bid proceedings in which such governments have received bids, which if they were submitted to an agency of the Federal Government would be required to be reported under section 203(e)(8) or section 302(e) of the Federal Property and Administrative Services Act of 1949 or under section 2305(f) of title 10 of the United States Code, or under section 6 of this Act. The Attorney General shall prescribe uniform procedures for the purpose of carrying out this section.

SEC. 8. Whenever the Attorney General receives any information reported to him under section 203(e)(8) or section 302(e) of the Federal Property and Administrative Services Act of 1949 or under section 2305(f) of title 10 of the United States Code, or under section 6 of this Act, he may make all such information available to the Federal Trade Commission irrespective of whether the information has been assembled in report form.

SEC. 9. The Attorney General shall make a report each calendar quarter to the President of the Senate and to the Speaker of the House of Representatives consolidating the information he has received under the provisions of sections 203(e)(8) and 302(e) of the Federal Property and Administrative Services Act of 1949, section 2305(f) of title 10, United States Code, and section 6 of this Act. After deletions of (a) such information submitted by the head of a department or agency of the Federal Government which is classified pursuant to law for reasons of national security and (b) such information submitted by a State or local government which the State or local government has requested to be withheld from publication for any reason, each report of the Attorney General under this section shall be printed as a House document.

The SPEAKER pro tempore. Is a second demanded?

Mr. ANDERSON of Illinois. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself 5 minutes.

H.R. 8603 is a clean bill introduced by the gentleman from Texas, Congressman PATMAN, as a substitute for his bill H.R. 4570 which was reported by the Subcommittee on Executive and Legislative Reorganization. The clean bill reflects the action of the subcommittee. The approval of the bill was unanimous.

The bill is designed to expose and attack the widespread practice of submitting identical bids to Government agencies in response to invitations to bid on contracts for the sale or purchase of goods or services. This practice can make a mockery of the whole procedure of contract bidding, permit the rigging of contracts by those in collusion and raise the cost of governmental purchasing to infinite heights.

The problem has agitated Members and committees of both Houses of Congress and with the recent electrical industry cases has become the focus of widespread public attention.

On April 24 of this year, President Kennedy issued Executive Order No. 10936 which required identical bids to Federal agencies to be reported to the Attorney General. The order has certain of the objectives of the bill but does not go as far.

Witnesses appearing were primarily Government officials and Members of Congress, all of whom were unanimous that something should be done. The Department of Justice Antitrust Division offered to cooperate as did the General Services Administration, Department of Defense, and the Federal Trade Commission in recommending improvements in the bill. They worked with our staff on revisions and the final product is before you.

Aside from the hearings we have received a large number of letters from Governors, mayors, and State and local procurement officials endorsing the legislation and offering to cooperate in seeking to expose the practice of identical bidding. Their letters have been published as an appendix to the hearings.

The theory behind this legislation is that exposure of identical bidding by individuals and corporations will have such an impact that it will tend to reduce, if not completely eliminate, the practice and, in the end, reduce the costs of Government contracting. The exposure feature of the bill provides no penalties. The provisions in the bill that could result in penalties are those requiring the noncollusion affidavit. This would be the existing penalty for making a false statement.

PURPOSES

First. To provide publicity and public information on identical bidding by reports of Federal, State, and local procurement officers to the Attorney General of the United States when identical

bids are made by competing bidders on contracts for purchases or sales by public agencies.

Second. To make more effective the enforcement of the antitrust laws through such publicity and by the submission of noncollusion affidavits.

SUMMARY

H.R. 8603 would amend the Federal Property and Administrative Services Act and the Armed Services Procurement Act to require the making of reports by Federal procurement officers to the Attorney General where identical bids exceeding $10,000 are made in response to an advertisement to bid. The reports must be made within 20 days following the award of the contract or the rejection of all bids. The form of the reports will be prescribed by the Attorney General and will include certain detailed information specified in the bill. Similar reports are required in connection with the disposal of surplus property.

No report will be made in cases where only foreign sources have participated and in connection with which delivery and performance is to take place outside the United States.

The bill also requires an affidavit to accompany each bid certifying that there has been no collusion with the vendors and that the contents of the bid have not been communicated to others. The affidavit must accompany both advertised and negotiated bids.

The bill directs the Attorney General to invite State and local governments to submit similar reports on identical bids.

The Attorney General shall make available the information in the reports upon request of the Federal Trade Commission.

He shall make a consolidated report each quarter to the Congress which shall be printed as a House document except that information which the President determines shall be withheld from publication for security reasons.

PENALTY

In 18 United States Code, 1001, fraud and false statements, up to $10,000 or 5 years in prison, or both.

In 31 United States Code, 231, liability for making false claims against the United States, a $2,000 payment and double damages to the United States.

I know of no objection to this legislation.

Mr. Speaker, I yield back the balance of my time.

PROGRAM FOR BALANCE OF WEEK

Mr. AVERY. Mr. Speaker, I yield myself 1 minute and ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. AVERY. Mr. Speaker, I take this time in order to inquire of the majority leader what he can tell us about the program for the balance of the week, for next week, and in respect to an early adjournment.

Mr. McCORMACK. That is quite a question. Is the gentleman asking about the program for the remainder of this week?

Mr. AVERY. That was my initial request followed by two other related requests.

Mr. McCORMACK. Will the gentleman bypass the two latter requests?

Mr. AVERY. At the moment and under the circumstances, certainly.

Mr. McCORMACK. Tomorrow there will be H.R. 468, the fugitive felon bill, which is on the program, and there are three unanimous-consent requests to be called up by the Committee on Ways and Means, as follows:

H.R. 641, tariff, beta ray spectrometer, free entry;

H.R. 6145, taxes, reduced credit provisions, postponenment; and

H.R. 6371, retirement income credit.

The order in which they will be presented I do not know.

That will be followed by House Resolution 420, a resolution reported out by the Rules Committee.

On Thursday we will take up H.R. 84, a bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian, or other lands. If we do not dispose of House Resolution 420 tomorrow that will be the continuing order of business on Thursday, to be followed by House Joint Resolution 438, authorizing certain investigations by the Securities and Exchange Commission.

That is the program for the remainder of the week.

Mr. AVERY. Mr. Speaker, I wonder if the majority leader could give us the subject matter of House Resolution 420.

Mr. McCORMACK. That is a resolution providing that the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the problems involved in an effort to minimize and eliminate aircraft noise and nuisances and hazards to persons and property on the ground.

Mr. AVERY. I thank the gentleman and I hope he will work toward an early adjournment of the Congress.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, for the benefit of Members on this side of the aisle, I should state this matter did come out of the subcommittee and the full committee without objection. Two days of hearings were held in which we listened to representatives of the General Services Administration, the Department of Defense, the Department of Justice, and other agencies of Government that might be called upon to administer this act.

It has been explained very fairly and fully by my colleague on the subcommittee, the gentleman from Florida. Certainly no one can quarrel with the objectives and the purposes of this act, which will give publicity and public information on identical bidding.

Mr. Speaker, it should be pointed out that this is not basically a new idea. In addition to the Executive order that was referred to, which was issued on the 24th or 25th of April this year, there was in the Procurement Act of 1948, and other acts dealing with procurement by the Armed Forces and Government agencies, a provision that dealt with this in the case of bids that appeared to be collusive, which were referred to the Attorney General for attention.

I do not know that this is going to solve the entire problem, but to the extent it will give information of this nature to the Attorney General for possible action, I think it is a good bill. We on this side support it.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the House Government Operations Committee has reported favorably on H.R. 8603, which is a bill to provide for public information and publicity on the submission of identical bids in connection with Government contracts. H.R. 8603 is a clean bill introduced as a substitute for the original H.R. 4570, which I introduced February 20, 1961.

This is a nonpartisan bill—one that will be embraced by all Members of both the Republican and Democratic Parties concerned with a free and unfettered competitive economy and equally concerned that Government expenditures not be bloated by the payment of monopolistic prices. The House Government Operations Committee has given unanimous approval to this bill—clear testimony to the bipartisan support it has received.

As all Members well know, abhorrence of bid-rigging and price-fixing cuts across party lines. The Antitrust Division under Republican leadership initiated and brought to a head the infamous electrical equipment cases which shocked the conscience of the country. When the present administration took office this year, there was no letdown—indeed, the program of ferreting out and striking down price-fixing and bid-rigging conspiracies has been stepped up sharply under Attorney General Robert Kennedy.

Successful prosecution of the antitrust laws, however, does not, and should not obscure the need—indeed the necessity—for implementing and supplementing those laws when such is found to be essential.

It was because of the need for putting the glare of publicity on identical bidding that I offered my bill to provide for regular reporting of identical bids to the Attorney General and periodic reports to be made by the Attorney General and submitted to Congress concerning this matter. With a view to bringing about immediate action on this front, President John F. Kennedy, on April 24 of this year, issued Executive Order No. 10936 directing the heads of Federal Departments and Agencies to report identical bids to the Attorney General.

The gentleman from North Carolina, Chairman FOUNTAIN, of the Intergovernmental Relations Subcommittee

testified that the bill is necessary "to establish clearly that this is a permanent national policy, rather than just the position of one administration." Members of Congress and representatives of the Antitrust Division of the Department of Justice, the Department of Defense, the General Services Administration, and the Federal Trade Commission testified on this bill and were in agreement that action should be taken. Recommendations submitted by these various witnesses have been taken into consideration and their suggested improvements have been incorporated in the clean bill, H.R. 8603.

WHY IT IS NECESSARY TO MAKE IDENTICAL BID REPORTING A MATTER OF PERMANENT LAW

The gentleman from North Carolina [Mr. FOUNTAIN] as I mentioned, has stated that this bill is necessary to make identical bid reporting a matter of permanent national policy. We cannot leave such a serious matter to the whims of changing administrations.

Flagrant identical bidding is not a new practice—but this effort to bring to public attention the widespread extent of identical bidding is new.

Back in the days of the Temporary National Economic Committee, and earlier, considerable attention was given to this practice. But nothing was done in the direction of bringing together full and complete information regarding identical bidding practices so that they would be subject to constant public attention and a continuing reminder to the Antitrust enforcement officers that they must be on their toes to eliminate collusive practices in connection with Government procurement activities.

The President's Executive order has started the grandiose bureaucratic machine operating. The Federal agencies are educating their procurement officers and developing systems of reporting identical bids. This has never been done before in any organized way.

NEW IDENTICAL BID REPORT TO BE ISSUED

At my request Assistant Attorney General Lee Loevinger, in charge of the Antitrust Division, recently made a sample survey of identical bid reports received by the Antitrust Division during the 6-year period 1955–60. This report will be issued as a public document in the very near future. I do not wish at this time to go into detail as to what this report reveals, except to note that under existing statutes a pitifully small number of identical bids has been submitted to the Attorney General for consideration. During the 6-year period, a sample of every fifth abstract presently in the Antitrust Division files produced a total of only 95 abstracts—suggesting that only some 500 abstracts have been processed by the Antitrust Division over the past 6 years.

The number of identical bid reports submitted to the Attorney General has clearly not represented anywhere near full reporting by the various procurement agencies. There are two reasons for this. First, the regulations gave the procurement agencies a loophole. They were only required to submit identical bids when, in the opinion of the procurement agency head they suggested possible collusion among bidders.

I need not remind Members—many of whom are lawyers—that lawyers tend to disagree as to what constitutes evidence of possible collusion. All that was necessary was for the agency head to decide that, in his opinion, identical bids did not suggest collusion, and then he might completely neglect the duty of reporting identical bids to the Attorney General.

The second reason for failure of the various heads of procurement agencies to report identical bids to the Attorney General is simple bureaucratic lethargy. Most procurement officers are not concerned with possible collusion or bid rigging. They want to get their job done—acquire the products or services called for and sign the contracts. Reporting of identical bids to the Attorney General represents an added chore for them, which they would happily avoid.

One indication of the serious under-reporting by the procurement agencies is revealed by the fact that less than one-third of the abstracts contained in the sample survey submitted by the Antitrust Division came from the Defense agencies. Obviously, the Department of Defense accounts for an overwhelming proportion of Government procurement—yet the Defense agencies, as I said, accounted for only one-third of the identical bids submitted to the Attorney General during the past 6 years.

We can be sure that this situation will be changed and that under H.R. 8603 there will be no slacking in the efforts of all procurement and disposal agencies of the Federal Government to report identical bids to the Attorney General.

REPORTS TO CONGRESS ANTICIPATED

This is a moderate bill. It merely provides for honest public disclosure of identical bidding on Government procurement contracts or in the sale of surplus Government property. The Executive order implementing the purposes of this bill provides that the Attorney General will make periodic reports to the Congress on identical bidding.

H.R. 8603 is quite specific on this question, calling for reports to be made by the Attorney General each quarter to the Congress. The report shall be printed as a House document.

IDENTICAL BIDS SUBMITTED TO STATE AND LOCAL GOVERNMENTS ALSO TO BE INCLUDED

This bill is a "shot in the arm" to State and local governments which have been paying exhorbitant prices because of noncompetitive bidding on various State and local projects. Local governments are almost powerless to handle problems of conspiracy leading to identical bids. As Mr. Ralph S. Locker, Cleveland director of law, pointed out in the December 1960 issue of the Journal of the Cleveland Bar Association:

Collusive bidding practices are a real and ever-present problem facing local, State, and Federal governments.

And Mr. Locker concludes that:

Local governmental subdivisions usually lack the necessary investigative staff to make them aware of collusion among bidders.

The objectives of this legislation have been endorsed by Governors and mayors throughout the country. This bill will provide a twofold advantage to such State and local governments. First, they will be encouraged to voluntarily submit identical bids to the Attorney General, so that his attention may be called to any possible conspiracies in submission of bids. This will give the State and local governments a direct contact with the Attorney General and a basis for knowing whether full antitrust enforcement is being brought to bear on identical bids.

Second, the State and local governments will be in a position to recover damages where identical bids are found by the Attorney General to have stemmed from collusion or conspiracy. At the same time, the State and local officials can work hand-in-glove with the Attorney General in ferreting out and eliminating identical bidding in Government contracts.

HOW H.R. 8603 WILL DISCOURAGE IDENTICAL BIDDING AND AID IN ANTITRUST ENFORCEMENT

Mr. Speaker, when I testified before the subcommittee in behalf of this bill, I was asked how we would deal with the problem of bid rigging, once identical bidding is eliminated.

Of course, the objective of this bill is to drive out identical bidding. Obviously, a variety of bids is likely to reflect real competition among bidders, but there is always the possibility that the bids might be rigged. Bidders could agree to rotate the business among themselves—one submitting the low bid the first time, another the second time, and so forth.

This occurs. It occurred in the famous electrical equipment cases. But the point is that in those cases the Antitrust Division was able to get the evidence of conspiracy. When conspirators are discouraged—by publicity—from agreeing to bid identically, they must devise some more complicated scheme of bid rotation. This involves meetings, negotiation, perhaps correspondence. Then the Antitrust Division can move in with the hope of picking up the evidence of conspiracy. Thus, by discouraging identical bidding, we implement antitrust enforcement procedure.

SHOULD IDENTICAL BIDDING BE MADE PRIMA FACIE EVIDENCE OF CONSPIRACY?

I was also asked whether we should not pass a law saying identical bids shall raise a prima facie case of conspiracy.

I have pointed out that many prominent lawyers and economists agree that identical bids rarely, if ever, reflect a competitive situation; and many also agree that identical bids almost always suggest a presumption of conspiracy.

My answer to the question is: Before we take such a step—to make identical bids prima facie evidence of conspiracy—let us have some experience with the "spotlight of publicity" approach. Let us enact this bill into law and gather some experience with public opinion.

I have faith in the fundamental honesty of our businessmen. I believe they will do the right thing.

As I pointed out last February 20 when I introduced this bill, it is a fundamental

premise of a competitive economy that business units make pricing decisions independently of one another. To tolerate collective action and collusion is to encourage the cartelization of American industry. I am sure that few Americans want such an economy.

This bill is a new charter for an American competitive free enterprise system—one that can be held aloft for all our friends throughout the world to see—and one for our enemies to disregard at their peril.

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to commend the Committee on Government Operations and the gentleman from Texas, the Honorable WRIGHT PATMAN, on submitting H.R. 8603 to provide publicity on evidence of identical bidding by Federal and State and local procurement officers when identical bids are made by bidders on contracts for purchase or sale by public agencies.

In the city of Cleveland, we have had several situations where identical bids were submitted to the city procurement officers by large suppliers of public utility equipment. The most recent case in the city of Cleveland involved identical bids for utility meters.

The instances of identical bidding are widespread and have included many items essential to the conduct of city affairs. Identical bids on any items of purchase are possible but highly improbable in circumstances where the rules of ordinary competition prevail. The inference of collusion among bidders is difficult to dispel in situations where several bidders providing identical goods from different producing areas arrive at the same price.

The report to the Attorney General required by this bill will serve to stimulate free competition among bidders. It will also serve as a deterrent against collusive price fixing. This legislation should result in savings of millions of dollars to local and State governments as well as the Federal Government in bringing about a condition of order and fairplay at the marketplace in which public purchasing plays a vital part.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SMITH] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I am glad to see this bill come before the House, and commend its author for the work he has done on this legislation. Although another committee member and I also have identical bills, Mr. PATMAN has done great work on the subject matter.

Effective competition is essential in our economic system, and it is absolutely essential that it be preserved and fostered. Recent revelations of price rigging by big companies doing business with the Federal Government and price rigging cases in local and State government jurisdictions indicate that there has been a lack of effective competition in too many cases.

As long ago as 1956, the Government Operations Committee found the existence of identical pricing of polio vaccine and drugs and hospital supplies. Information forwarded to that committee, upon which I am privileged to serve, indicates that State and local officials are interested in being able to forward information on a voluntary basis where price fixing in bidding for local and State business is suspected.

Although there has been a provision of law since 1940 that an agency head should forward information indicating violation of the antitrust laws, Federal agencies did not very often report identical bids or evidently consider that as evidence of violation of antitrust laws. President Kennedy recently directed by Executive order that such bids be forwarded to the Attorney General; however, the bill is still needed in the event the Executive order is canceled by some future President. The bill also requires anticollusion affidavits that have not previously been required on all bidding offers and should help deter price fixing.

I think additional legislation not included with this bill is needed to help assure greater competition and I am sponsoring such legislation. I introduced such legislation late in the 86th Congress and am now improving it some more. My legislation also is designed to encourage more bidding.

Expenditures by Federal, State, and local government agencies now total about $100 billion per year and about $50 billion of that represents Federal procurement. Price fixing on this portion of our national production can cause inflationary pressure and have a sort of rippling effect. This is legislation that should help toward deterring price-fixing arrangements and I urge its adoption.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

METAL AND NONMETALLIC MINES STUDY ACT OF 1961

Mr. ZELENKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8341) to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines—excluding coal and lignite mines.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to make or cause to be made a study covering—

(1) the causes of injuries and health hazards in metal and nonmetallic mines (excluding coal and lignite mines);

(2) the relative effectiveness of voluntary versus mandatory reporting of accident statistics;

(3) the relative contribution to safety of inspection programs embodying—

(A) right-of-entry only and

(B) right-of-entry plus enforcement authority;

(4) the effectiveness of health and safety education and training;

(5) the magnitude of effort and costs of each of these possible phases of an effective safety program for metal and nonmetallic mines (excluding coal and lignite mines); and

(6) the scope and adequacy of State mine-safety laws applicable to such mines and the enforcement of such laws.

SEC. 2. (a) The Secretary of the Interior or any duly authorized representative shall be entitled to admission to, and to require reports from the operator of, any metal or nonmetallic mine which is in a State (excluding any coal or lignite mine), the products of which regularly enter commerce or the operations of which substantially affect commerce, for the purpose of gathering data and information necessary for the study authorized in the first section of this Act.

(b) As used in this section—

(1) the term "State" includes the Commonwealth of Puerto Rico and any possession of the United States; and

(2) the term "commerce" means commerce between any State and any place outside thereof, or between points within the same State but through any place outside thereof.

SEC. 3. The Secretary of the Interior shall submit a report of his findings, together with recommendations for an effective safety program for metal and nonmetallic mines (excluding coal and lignite mines) based upon such findings, to the Congress not more than two years after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. HIESTAND. Mr. Speaker, I demand a second.

Mr. ZELENKO. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ZELENKO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Speaker, the Committee on Education and Labor now brings before this body H.R. 8341, a measure designed to authorize the Secretary of Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other

health and safety conditions in metal and nonmetallic mines—excluding coal and lignite mines.

In the 86th Congress, when I was chairman of a subcommittee of the Committee on Interior and Insular Affairs, safety standards were reviewed by my subcommittee. I was deeply impressed with the pressing need for information and facts concerning safety and the causes of injuries and health hazards. At the present time information and statistics available on this vital subject are spotty, irregular, and exceedingly difficult to assemble. The sole purpose of the bill now before you is to permit the Secretary to assemble this data in a form which lends itself to comprehensive evaluation.

In 1956 and 1957 this committee held hearings in Washington and in several mining areas on the subject of "Safety Standards in Metallic and Nonmetallic Mines." Much evidence was submitted indicating a need for Federal inspection. Accidents and industrial diseases in these mines persist at an abnormally high rate, despite advances made in understanding the causes thereof and in engineering methods of control.

This bill does not propose the imposition of Federal standards in these mines nor does it establish a system of Federal inspection in this area. It does authorize a study conducted in the field and a means for the Federal Government to secure the data the Department believes is necessary.

The witnesses who appeared before our Select Subcommittee on Labor, under the very able chairmanship of the gentleman from New York [Mr. ZELENKO], emphasized that if we can secure the necessary information, then we may very well discover the techniques required to combat the high disease and injury rate that persists in metallic and nonmetallic mines.

We seek knowledge and not control in this measure.

This committee does have another safety measure before the Rules Committee. That bill deals with coal mine safety, and in a very moderate fashion seeks to protect the small miner from the same hazards we protect the employee who goes underground for a large mine operator. We still hope that we may bring this much-needed legislation before this body in this session.

Our committee will continue to devote itself to the upgrading and modernizing of industrial safety standards in this country. In some instances Federal regulation may be necessary. In others, such as with this bill, H.R. 8341, the means of securing additional knowledge may bring about the desired results. Greatest productivity with greatest safety is our goal.

Let us give the Department of the Interior the means of securing the information needed for accident prevention and to wipe out industrial diseases in these metallic and nonmetallic mines. I am sure when this information is evaluated and disseminated, the mine operators will utilize this knowledge so effectively that further Federal regulation will not be required.

Mr. ZELENKO. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Speaker, in 1941 this Congress enacted a bill providing for Federal inspection of coal and lignite mines. In 1952 the Congress amended that act by providing safety regulation of coal and lignite mines.

Mr. Speaker, despite the fact that many of the same conditions that led to the enactment of the Coal Mine Safety Act are present in metallic and nonmetallic mines this Congress has never enacted any legislation having to do with safety in such mines.

Mr. Speaker, in the 84th, 85th, and 87th Congresses, bills similar to title I of the Coal Mine Safety Act, providing for Federal inspection of metal and nonmetallic mines, were introduced and hearings were held on those bills in all three Congresses. The hearings demonstrated, Mr. Speaker, that there was a serious injury and health hazard condition in these noncoal and nonlignite mines.

The National Safety Council states that underground mining—other than coal—is the second most hazardous industry in the United States.

The hearings further indicated an alarming development with regard to health hazards in the relatively new uranium mining industry. In 1959 the concentration of alpha-emitting particles, radon and radon-daughters, in samples taken in uranium mines by the Bureau of Mines, indicated, Mr. Speaker, that 22 percent of all such air samples were in excess of 10 times the maximum recommended working level. They indicated that 23 percent were from 3 to 10 times the maximum permissible exposure level and that only 1 out of every 3 samples came within recommended working levels.

Now, the significance of this, Mr. Speaker, is that these radioactive products, radon and radon-daughters, are inhaled into the lungs where they expose the tissue to radiation damage, and lung cancer may result. It is expected that a 15- to 20-year exposure to such radioactivity is required before the disease becomes manifest. The uranium industry is a young industry. The data has been collected only since 1950. The peak incidence of lung cancer that could be expected from such exposure has not yet been reached. However, we have already seen, Mr. Speaker, a death rate from lung cancer of 5 to 10 times the expected rate among these uranium miners.

Mr. Speaker, I believe that there is ample evidence to justify a system of inspection by the Federal Bureau of Mines, if not a system of thorough and tight safety regulation.

However, Mr. Speaker, I must confess that our hearings also demonstrated that the data with regard to this matter was not complete; that there was some dispute with regard to the factual information and with regard to the causes of these health hazards, and the need for inspections. For that reason, Mr. Speaker, the subcommittee in its deliberations, in an action accepted by the full committee, amended the bill which I introduced calling for a system of Federal inspection of this type of mining, and substituted H.R. 8341, a clean bill, which provides for a study to be conducted by the Secretary of the Interior.

The study is designed to determine the causes of injuries and health hazards in these mines; the relative effectiveness of voluntary versus mandatory reporting of accident statistics; the relative contribution to safety of inspection programs embodying right-of-entry only and right-of-entry plus enforcement authority; the effectiveness of health and safety education and training; the magnitude of effort and cost of each of these possible phases of an effective safety program for metal and nonmetallic mines; and the scope and adequacy of State mine-safety laws applicable to such mines, and the enforcement of such laws.

I urge the adoption of H.R. 8341.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Michigan. I gladly yield to my colleague from Pennsylvania, the ranking minority member of the committee.

Mr. KEARNS. Mr. Speaker, we were very proud to report this bill out of committee for the gentleman from Michigan [Mr. O'HARA]. There was nothing stipulated there as to the amount of money to go to the Department of Interior; is that correct?

Mr. O'HARA of Michigan. I now have those figures and I should be happy to give them to the gentleman.

Mr. KEARNS. This is purely a study program, is that right?

Mr. O'HARA of Michigan. That is correct.

Mr. KEARNS. I thank the gentleman.

Mr. HIESTAND. Mr. Speaker, this is quite unlike the bill originally introduced. It has the complete approval of the Department of the Interior. It has had thorough hearings. We have had minority members present at all hearings and, so far as I can determine, there is no opposition to the bill on this side.

Mr. ZELENKO. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN. Mr. Speaker, I wish to associate myself with the remarks of the author of the bill, the gentleman from Michigan [Mr. O'HARA]. I wish to compliment him on this legislation. There are health hazards in the mines of the country. There are miners who are suffering from health hazards, that come upon them during their honest employment, such as silicosis and other dust diseases. Therefore there is real merit to a study whereby industry and the States and the Federal Government can and should attack this health problem together.

I sincerely hope that the House will adopt this legislation.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 8341.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WHEAT MARKETING QUOTA LAWS AND REGULATIONS

Mr. BREEDING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BREEDING. Mr. Speaker, the recently enacted Agricultural Act of 1961 provides, among other things, an emergency 1-year wheat program for the 1962 crop year. The language in this act unintentionally creates a situation which is unfair to a great many of our commercial wheatgrowers.

In a large part of the high-risk area, where crop losses are frequent, it has been customary, in accordance with the provisions of the wheat marketing quota laws and regulations, for some producers to overseed their allotment in some years to build up a reserve which would be available to sell in case of crop failure. In past years the Congress has recognized this practice, and repeatedly has provided specific language in the law to allow this practice.

This stored wheat could be sold into the market without penalty only in case the production from the allotted acres was less than normal. Thus, a farmer was assured an income even in case of crop failure, and our mills were assured an adequate supply of wheat.

When the recent act was passed, it was the intention of our committee, and I am sure of the entire Congress to continue this practice unchanged. Unfortunately, in drafting the bill, the language which was used results in a serious inequity for these producers.

It was our intention to prevent the acres for which payment is made to be considered as diverted acreage for purposes of releasing stored excess. This is fair, and as it should be. Inadvertently, however, we went further than we intended, with the result that the production from the allotted acres must be reduced by twice the normal yield on the first 10 percent of the acres diverted. This is in effect a double penalty on these producers.

This comes about because of the technical method by which the amount of underproduction is determined. The law provides that the amount of stored excess which may be withdrawn and sold into the market is the amount by which the actual production or the allotted acres is less than the normal production on the allotted acres. In order to prevent the retired acres from being used in determining the normal production for the farm, a provision was included which specifies that in determining the actual production for the farm, the normal yield of the diverted acres shall be deemed to be the actual production.

This provision is equitable when applied to the voluntary 30-percent reduction authorized in the bill. It is not equitable, however, when applied to the first 10-percent reduction, because the allotment on which the normal production of the farm is based has already been reduced by this 10 percent.

The bill which I have introduced will correct this inequity, and permit a wheat producer to withdraw from his stored excess the amount by which he fails to make his normal production on the reduced allotment, less the acres voluntarily retired below the allotment, as we originally intended.

WILLIAM V. SHANNON'S RETIREMENT

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include a newspaper column.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD the following column by William V. Shannon, which appeared in the New York Post on Sunday August 6. In Mr. Shannon's retirement—happily only temporary—the readers of the Post will be deprived of an extraordinary powerful and convincing summary of day by day events as they occur here in the Nation's Capital. Since the first issue of his reports in April 1951, first as correspondent, later as columnist, the lucidity of his style, the breadth and range of his reporting, the vividness with which he describes the swiftly moving times constitute a liberal education, and one to which I, among many other admirers, am glad to have been exposed. Mr. Shannon recalls that on the evening of the second day after he went to work for the Post here, President Truman removed General MacArthur, and from then on in the decade which followed he covered and commented on one historic event after another.

In this column titled "Au Revoir," Mr. Shannon tells us of the activities to which he will devote himself during the coming year. I am sure that my colleagues in the House will join with me and his readers everywhere in bidding him "Godspeed," holding him at the same time to his promise that it is to be merely "au revoir" and not "good-by":

AU REVOIR

(By William V. Shannon)

WASHINGTON.—This is the last column I shall write for more than a year. About the time this edition of the Post hits the streets in New York, I shall be getting married here in Washington. After a wedding trip to the West Indies, I shall take a year's leave of absence to join the Center for the Study of Democratic Institutions in Santa Barbara, Calif., where I shall be a consultant on the American character project.

I shall forbear from inflicting upon you any of my reflections on the institution of marriage, to which, in the view of most of my friends, I am a most tardy recruit. But some comments on the job I am temporarily leaving and the one to which I am going do not seem out of order.

I have been on the Post 10½ years, the first 6 as a reporter and the past 4 as a columnist. I went to work in April 1951, on a Monday. That Tuesday night President Truman fired General MacArthur. Covering the MacArthur hearings does not exactly qualify me as the successor to Richard Harding Davis, but I think I can lay claim to as exciting a debut as any political writer could desire. The Truman-MacArthur controversy was politics in its best sense: the antagonists were men of stature and interest, the issues urgent and fundamental, and the ramifications wide and deep. That profound quarrel over foreign policy methods and objectives ranked in importance with the debates on the League of Nations in 1919–20 and on neutrality and intervention in 1930–40. I shall always be grateful I had a front row seat when this history was being made.

The most enjoyable story I covered was the 1952 presidential campaign. I traveled with Adlai Stevenson without a break from the day he was nominated in July to the day he was defeated in November. That first Stevenson campaign had a moral unity and an esthetic integrity that few human experiences of any kind have. Stevenson throughout those 3½ months was never untrue to himself, never said a mean or vindictive word, and tried to make each speech a civilizing, educating, uplifting act. When one thinks of most political campaigns, with their mechanical ranting, tedious, make-believe differences of opinion, and intellectual disorder, Stevenson's performance 9 years ago remains a shining memory.

Stevenson's campaign ended in defeat, but the mere fact of victory or defeat is not always and at all times the most important fact, in politics or in anything else. If our two-party system is to work, the parties must take turns in power. No party in a healthy democracy can or should win every election. What matters is not whether a candidate wins or loses but whether he contributes anything to the dialogue by which our people gradually amass their common wisdom and, hopefully, go forward. Adlai Stevenson in defeat did more to contribute to our understanding of ourselves and the world in which we live than have many victors. That is justification enough.

What was the most deeply moving emotional experience in these 10 years of writing and reporting? The answer is easy. It was covering the young Negro students as they staged their sit-ins across the South in the spring of 1960. The gallantry and idealism of these students made me proud to be an American. The race problem is not a national burden; it is a deep human challenge and a source of moral inspiration. Without the Negroes and their struggle for equality with whites, our common life would be a much poorer thing.

I am proud to have played at least a small part in these past 10 years in blocking the respective careers of Joseph McCarthy and Richard Nixon. These may seem like negative accomplishments, and so they are. I would like to think that much that I have written has also affirmed positive values, helped clarify some complex issues, and occasionally contributed the relief of humor. But, basically, one has to cope with the situation in which one finds oneself and, for most of the past decade, it has been an age of suspicion, a time of retreat from civil liberties, a negative period of political reaction, moral torpor and gross materialism.

As for the work on which I shall spend the coming year, I can best describe it by quoting Dr. Robert Hutchins, president of the Fund for the Republic. In announcing the American character project a few months ago, he said:

"There are signs that the moral character of American society is changing. Why have

we placed reliance for our national safety on weapons of mass destruction?

"Why do we have television scandals and startling exposés about police force corruption? Should we be alarmed by the difference between the behavior of Airman Powers in Moscow and Nathan Hale?

"What is needed is an examination of the intellectual commitments out of which many moral attitudes arise. * * * We want to start a dialog between spokesmen of various viewpoints on what the good life should be in modern America."

I shall be working on the political aspects of this problem, that is, ethical problems in politics and power.

I cannot say even this temporary farewell in this space without expressing my gratitude to my readers, to Joe Rabinovich and others on the desk who have edited my copy, and to Dorothy Schiff, the publisher, and James Wechsler, the editor, of the Post, who have not only printed this column even when they occasionally disagreed with it but have actually encouraged controversy and dissent.

MINIMAL LEGISLATION NECESSARY TO HALT DESTRUCTION OF SMALL BUSINESSES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I requested this special order today to discuss two bills—H.R. 127 and H.R. 1817—which were introduced by me at this session for the purpose of slowing down or stopping, if possible, the constantly accelerated trend toward monopoly and the destruction of small business and small communities. Identical bills have been introduced by many of our colleagues.

For many years, the monopolistic giants of this country have been growing stronger by fattening themselves upon the carcasses of the little, independent businessmen who were their competitors and stood in the path of their economic oligarchy. As the small businesses are destroyed, the small communities of America are bound to disappear with them, resulting not only in the elimination of competition, but also in a complete change in the picture of America as we know it. The concentration of absentee ownership in the big cities and the disappearance of small towns and rural life in our country will inevitably cause changes in every phase of the lives of all Americans.

Mr. Khrushchev has said that the greatest obstacle to the spread of communism in America is the ownership of its businesses by so many independent little people. While I certainly cannot agree with many things that Mr. Khrushchev says, I believe that he is entirely right on this score. To preserve the incentive and the ambition toward success which have created this Nation, as well as the independence for which we have fought on so many occasions, it is absolutely necessary that the small business community be protected and assisted in every possible way. Present State laws are inadequate to accomplish this purpose and only Federal legislation can now protect the little man from extinction. In my opinion, the two bills mentioned above constitute the irreducible minimum of legislative assistance which is desperately required by small business today.

I testified this morning before the Interstate and Foreign Commerce Committee in support of the proposed legislation and would like to read and will read at this point the statement which I made before that committee:

STATEMENT OF REPRESENTATIVE WRIGHT PATMAN BEFORE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, IN SUPPORT OF H.R. 127 AND H.R. 1817

INTRODUCTION

Mr. Chairman, I appreciate this opportunity to appear before this committee in behalf of H.R. 127, H.R. 1817, and companion bills which have been introduced by other Members of the House.

I introduced H.R. 127 on January 3, 1961, and H.R. 1817 on January 4, 1961. A number of our colleagues have introduced bills which are identical to these. Other colleagues have introduced quite similar bills.

H.R. 127 provides for the amendment of the Federal Trade Commission Act, and therefore was referred to the Committee on Interstate and Foreign Commerce for consideration. A more comprehensive bill, H.R. 10235, which contained a similiar provision, was introduced by me in the 86th Congress. This committee held hearings on that bill on June 16 and 17, 1960.

H.R. 127

OBJECTIVES OF THE BILL

The objectives of the bill are to prohibit, by Federal law, certain discriminations in price, which also involve sales at unreasonably low prices, including those at levels below cost. These objectives would be accomplished by adding a section to the Federal Trade Commission Act.

LEGISLATIVE PROPOSAL IS BACKED BY RECOMMENDATIONS

The House Small Business Committee, in its final report to the 86th Congress, House Report No. 2235, at page 167, made a strong recommendation that the Federal Trade Commission Act be amended to provide that sales at unreasonable low prices be declared an unfair act or practice.

The U.S. Department of Justice quite recently recognized need for action in curbing predatory pricing practices, which destroy small business firms. Its recommendation and the action it took were in the general public interest and in the interest of small business particularly. For example, on May 22, 1961, the Department filed consent decrees in several cases arising out of the now famous criminal actions, in which certain big electrical firms were convicted of violating our Federal antitrust laws. In filing these consent decrees in the several cases, the Department of Justice insisted upon the inclusion of a provision which would prohibit sales "at reasonably low prices, with the purpose or intent, or where the effect is, or where there is a reasonable probability that the effect will be, substantially to injure, suppress or stifle competition or tend to create a monopoly."

Many House Members have expressed interest in legislative proposals to prevent sales at prices below cost. They have done that because small business firms are continuing to complain to us about this practice of making sales at prices below cost.

REASONS FOR BILL

On June 13, 1961, we received a vigorous complaint about sales below cost from a very responsible business firm. In conclusion, the head of that firm stated:

I believe reasonable selling at retail has gone by the boards. Either an item is given away or the charge is very excessive.

The practice of making sales at prices below cost was dramatically brought to light during the course of the hearings before the Special Subcommittee on Small Business Problems in the Dairy Industry, under the chairmanship of the Honorable TOM STEED, and in hearings before Subcommittee No. 5 on Small Business Problems in the Food Industry, under the chairmanship of the Honorable JAMES ROOSEVELT. It will be recalled that, during these hearings, one witness after another, as officials of big business firms, admitted using the great resources of their companies in making sales at prices below cost to the detriment of small business.

The practice continues unabated with devastating effects. Subsequent to the conclusion of the hearings before the House Small Business Committee's Special Subcommittee on Dairy Problems, we received information that the large firms are continuing to make sales at prices below cost to eliminate small business firms. On May 14, 1960, a representative of small business complained to Members of the House that the National Dairy Products Corp.—Sealtest—was selling dairy products in Kentucky at unreasonably low prices, and in that connection stated:

The unreasonably low price at which these products are being sold would seem to be for the sole purpose of destroying competition, especially independent dairies such as ourselves. This can be very easily done by a large national concern such as Sealtest which operates in many different geographical localities and is able to finance and subsidize a price war against small dairies that sell in competition.

By using these unfair competitive practices, they would, in effect, force us out of business within 30 to 60 days. Therefore, the urgency for action is of the utmost importance. We ask that you help us eliminate these unfair practices as quickly as possible by contacting Senator LYNDON JOHNSON, of Texas, and asking him to supply this information to Congressman WRIGHT PATMAN.

These charges by representatives of small firms are similar to complaints received from representatives of other small concerns doing business in other parts of the country. In some of the areas where the nationwide distributors have gained monopoly control of prices, the public is, of course, paying higher prices than those which prevailed before competition was eliminated. Therefore, it should be emphasized that the proposals we are making for legislation have as their principal objective the maintenance of competition and reasonable

prices. Only through preservation of competition can the public be assured of low prices. Prices representing sales made at levels below cost necessarily provide the public only with temporary advantages. These, in turn, are paid for by other members of the public in other areas at the same time or by the same members of the public at other times. It is for that and other reasons that we favor legislation which would prohibit sales at prices below cost.

We are against that monopolistic practice because it leads to monopoly-controlled prices at high levels. In other words, by fighting for legislation which would prohibit sales at prices below cost, we are fighting against the high prices which are the inevitable result of monopoly control.

BUSINESS PETITIONS FOR ACTION

On July 18, 1961, representatives of several hundred thousand persons and of many thousands of small business firms, conferred with the President of the United States at the White House and petitioned for early favorable consideration of legislation designed to help small business.

Specifically, the President was urged to support legislative proposals which would curb predatory pricing practices destructive of small business, and other legislation which would empower the Federal Trade Commission to issue temporary cease and desist orders pending completion of litigation, when required to protect public interest.

In introducing these parties to the President, I expressed to him my view that these representatives of small business firms have a just cause and that the problems they wished to discuss call for serious consideration. I pointed out that this Nation is experiencing an economic crisis. Small towns, including the family-sized farms and small businesses, representing the backbone of our country, are being crushed. This situation is graphically illustrated by the sharp population drop in small towns and rural areas.

Local business is being threatened with destruction in many lines of activity carried on in the traditionally private enterprise way by local people. Local ownership is being replaced by absentee-owned businesses. The great American dream to own and operate independent businesses is evaporating. We are becoming more and more a Nation of employees of the giant corporations remotely controlled.

Because of the decrease in small businesses, opportunities for people past 35 or 40 years of age to obtain jobs are less favorable and, in some areas, absolutely impossible. New small business opportunities for local people are no longer available as in the past. Decisions affecting local business are made in distant cities. Net profits made by absentee-owned businesses are taken out of the local communities, seriously hampering civic development. At the same time, local banks are not the depositories of locally produced profits, which would provide reserves for expansion of many times the amount in credit which could be provided to local citizens for developing new businesses. This is causing community life and community spirit to deteriorate, particularly in smaller cities and towns. As people are forced to go to the large cities, they place a tremendous burden on community services, such as hospitalization and education, with the consequence that greater and greater public assistance is required.

Looking into the foreseeable future, it is not in the interest of this Nation for the small towns, small businesses—including small banks—and small farmers to be destroyed. The big cities cannot carry the burdens and responsibilities that will be imposed by such concentrated populations. Many of them will be forced into a bankrupt position. The young men and women of the future are entitled to better opportunities.

America's greatest bulwark against communism has always been the strength of its small businesses and small towns. The Communists recognize this. They are aware that they cannot get even a small foothold in our country so long as so many of our people operate and own businesses in the private enterprise way, and own their own homes and farms. Small business is one of the greatest bastions of strength against communism.

Our New Frontier does not lie in the development of bigger and bigger cities and the concentration of more wealth into the hands of fewer and fewer giant businesses. To succeed, and to save the America we know, our New Frontier must encourage and promote privately owned businesses, locally owned business, and moneymaking opportunities for people locally, ownership of farms by small farmers, and the protection of the small towns and rural life of America.

The great insight of the President into these serious economic problems is widely recognized by all Americans, and his continuing efforts and cooperation in bettering the situation of small business are deeply appreciated by all of us who know what has made America the greatest of all nations.

PRESENT LAW IS INADEQUATE

The Supreme Court of the United States, on January 20, 1958, by a 5-to-4 decision, held that section 3 of the Robinson-Patman Act is not a part of the Federal antitrust laws and therefore is not available for proceedings by persons injured as a result of actions forbidden by the antitrust laws. The Court so held in the cases of *Nashville Milk Company* v. *Carnation Company* and *Safeway Stores, Inc.* v. *Vance* (355 U.S. 373 and 389). The ruling by the Court in these cases means that, under existing law, small and independent business concerns are not permitted to use section 3 of the Robinson-Patman Act in proceedings against unlawful selling at unreasonably low prices—even though those practices result in the creation of monopoly.

Section 3 of the Robinson-Patman Act, as approved June 19, 1936, was authored by Senators Borah and Van Nuys. It became an amendment to the bills introduced by me and Senator Robinson. I did not discuss with Senators Borah and Van Nuys whether it was their intention to have their amendment apply as an amendment to the Federal antitrust laws. However, I have made it clear on more than one occasion that the definition of antitrust laws, as set forth in section 1 of the Clayton Act, should be amended so that there would be no question about section 3 of the Robinson-Patman Act being considered as a part of the antitrust laws. Indeed, on January 23, 1958, 3 days following the 5-to-4 decision by the Supreme Court in the cases to which I have referred, I introduced H.R. 10243, 85th Congress, to accomplish that objective. On the same day, Senator SPARKMAN, chairman, Select Committee on Small Business, U.S. Senate, introduced a companion bill. These bills were referred to the Committees on the Judiciary, as are all proposed amendments to the antitrust laws, but no action was taken. Therefore, at the opening of the 86th Congress we reintroduced bills for the same purpose. In the House, my bill was H.R. 212. The Judiciary Committee did not consider it. At the opening of the 87th Congress I introduced H.R. 125. It likewise was referred to the Judiciary Committee, but no action has been taken on it.

At the Federal level, what can be expected under existing provisions of other laws to help protect small business firms from the ravages and the devastation visited upon them as a result of these predatory pricing practices of large, multiple-market operators in selecting first one area and then another in which to sell at prices below cost until all competition in each of such areas is eliminated? At one time there was hope that section 5 of the Federal Trade Commission Act could be relied upon for help in that respect. However, largely, because a Federal court in 1919, in the case of *Sears, Roebuck & Co.* v. *Federal Trade Commission* (258 Fed. 307), held that section 5 of the Federal Trade Commission Act was not applicable to sales at prices below cost, the Federal Trade Commission has since been reluctant to attack the practice unless it was shown to be coupled with an intent to destroy competition. In other words, the Commission now considers that the application of that law to predatory pricing practices would require a standard of proof equivalent to a showing of criminal intent to destroy competition. The Commission and the Department of Justice do not consider that, under the existing law, they are empowered to proceed against the practice of selling at prices below cost simply upon a showing that the effects and results are substantial lessening of competition and tendency to create monopoly.

The States have tried to deal with this problem; many of the States have enacted legislation to combat this practice of selling at prices below cost. The courts have upheld the State laws, but, due to the fact that the law of any State does not reach beyond the State line, it can have no application to transactions in interstate commerce. The need for Federal legislation on the subject to fill this void is most obvious.

This does not mean that a majority of our States have not tried to do their best to meet this problem. More than

30 of the States have laws on this subject. In only two or three States have the statutes been found to contain defects sufficient for the courts to hold them invalid. Those in the other States which have been upheld have been applied in a number of intrastate instances. State officials understand the need for effective action to meet this problem. For example, in 1958, the Legislature of the State of Louisiana, in the preamble of a statute against sales at prices below cost, stated:

Whereas it is the intent of the legislature to prevent the economic destruction of many dairy farmers, dairy plants, ice cream dealers, and resale merchants as a result of discriminatory trade practices by certain business organizations financially strong enough to sell below their own costs for an extended period of time, which presents a situation detrimental to the health, welfare, and economy of the people of this State.

The Legislature of Oklahoma, in passing a similar statute, included the following statement:

Legislative intent: The practice being conducted by many dairy processing, wholesaling, and distributing plants in Oklahoma, in the subsidization of retail dealers, through secret discounts, and the furnishing of equipment, is forcing numerous dairy plants out of business, and is a practice which adversely affects the stable economy of Oklahoma. Such practice tends to reduce the price paid to the dairy producers, increase the price paid by the consumer, and is detrimental to welfare of the State.

Early this year, the Supreme Court of the State of Colorado rejected the contention that the Colorado law prohibiting sales at prices below cost was unconstitutional. It held that the terms "cost" and "cost of doing business," are not so indefinite and uncertain, within the meaning of the appropriate rule, as to provide no basis for the adjudication of rights.

On April 14, 1960, in a release from the office of Gov. Foster Furcolo, Statehouse, Boston, Mass., with reference to a decision made at that time by the Supreme Judicial Court of Massachusetts, questioning and invalidating the powers of the Massachusetts Milk Control Commission to absolutely "fix" the prices at which dairy products are to be sold, made the following statement:

The question of the milk control commission's powers has been somewhat clarified, but we cannot sit by and see ruinous price wars destroy the milk dealers, if such price wars are caused by unethical sales below cost. Such price wars inevitably result in monopolies and exorbitant prices to consumers. This has been well established by the Congressional Small Business Subcommittee. We have always maintained that the proper way to end price wars is by proper law enforcement.

Wisconsin's State attorney general, John W. Reynolds, in referring to criminal actions brought by his State, under its own law, against three large multiunit dairy processors, commented as follows:

There are many who feel that unless the illegal practices of some multiunit dairies can be stopped, most, if not all, of the independent dairies in Wisconsin will eventually be forced to sell out.

Communities which lose their independent dairies end up paying higher prices for milk. Jobs are lost, taxes are lost and the right and power to make decisions which affect the welfare of that community are transferred to the distant centers where the capital of that industry is controlled.

Thus, we are informed by responsible officials who are members of legislatures, the chief legal officers, and high executives of our State governments, that legislation against the practice of selling at prices below cost is in the public interest. They point out that legislation preventing sales at prices below cost can serve producers, small business firms, and consumers through the preservation of our private competitive enterprise system.

H.R. 1817

THE BILL TO EMPOWER THE FTC TO ENTER TEMPORARY CEASE AND DESIST ORDERS

This bill would amend the Federal Trade Commission Act and empower the Commission to enter temporary cease and desist orders in cases in which it would be in the public interest to do so. Quite a number of our colleagues have introduced identical bills, including the Honorable TOM STEED, who introduced H.R. 1233. Others who introduced identical bills include Mr. EVINS, Mr. ROOSEVELT, and Mr. MULTER, all members of the Small Business Committee. Similar bills have been introduced by the gentleman from Colorado [Mr. ROGERS], and a number of other Members of the House. These bills have strong bipartisan support in both the Congress and the executive branch of the Government.

THE NEED FOR THE LEGISLATION

Much has been said and written about the backlogs and delays which have occurred in the work of our Federal regulatory agencies and commissions. The President of the United States received a report on that subject on December 15, 1960, in which it was stated:

Inordinate delay characterizes the disposition of adjudicatory proceedings before substantially all of our regulatory agencies.

The Federal Trade Commission was singled out as an agency where the problem was particularly acute and efforts to expeditiously dispose of work were frustrated. On March 21, 1961, a report was made to me by the Federal Trade Commission which disclosed how serious this problem had become at that agency. I placed that statement in the RECORD on March 22, at pages 4611–4612. That report showed that a large number of the cases in which small business was vitally interested had been pending, without decision, at the Federal Trade Commission for periods ranging from 6 to 10 years. Many of these complaints were directed against practices which were obviously destroying small business concerns.

The respondents, who were engaging in the alleged unfair trade practices, with batteries of highly skilled lawyers and seemingly unlimited resources, have, heretofore, been able to employ numerous technical dilatory tactics to prolong the proceedings instituted by the Commission, all the while the little man is being strangled, without relief. In addition to the ability of large offenders to delay final action in such cases, the Federal Trade Commission has always been hampered by a lack of personnel adequate to cope with the many thousands of complaints which are filed with it. In other words, although the Commission has probably endeavored to expedite proceedings, within the framework of its statutory powers, it has never been able to provide small business complainants with the immediate relief which is necessary to stop the practices which are destroying them while the litigation is pending, rather than after the questions involved have long since become moot because of the annihilation of the little fellow or the consummation of proposed objectionable mergers and other plans. It is my carefully considered and positive opinion that the only action which would provide adequate and practical relief for a small businessman being strangled by unfair practices within the jurisdiction of the Commission would be the issuance of temporary cease and desist orders, upon a proper showing, at the outset of the litigation. The Congress has already seen fit to give the Commission the power to issue permanent injunctions against objectionable practices; and it is my firm belief that, if it can be trusted to issue final orders of restraint, it is certainly equally qualified to order temporary injunctions in instances in which prima facie cases of violations are shown.

CONCLUSION

We on the Small Business Committee are constantly receiving very distressing appeals from representatives of all types of small business firms, pleading for the enactment of this remedial legislation. In most instances, these pleas describe the pitiful plight of small business concerns struggling to survive against the predatory practices which cannot now be enjoined by the Federal Trade Commission, so as to preserve the little man pending decisions on the merits of the complaints. With your permission, I would like to include in the record at this point a number of communications received by me relating to this problem, with the same effect as if I had read them to you during my appearance here today:

EDWARDSVILLE CREAMERY CO.,
Edwardsville, Ill., July 31, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: The National Independent Dairies Association executive vice president, D.C. Daniel, has requested that the following information be furnished to you:

1. In our immediate sales area the following independent dairies are no longer in business:

(a) Community Dairy, Alton, Ill., sold out about 5 years ago at Prairie Farms Creamery, Carlinville, Ill., a farmer-owned cooperative.

(b) Walnut Grove Dairy, Alton, Ill., sold out in 1960 to Prairie Farms Creamery, Carlinville, Ill.

(c) Granite City Dairy, Granite City, Ill., sold out to Massey Dairy, Inc., Granite City, Ill., about 1959.

(d) Massey Dairy, Inc., Granite City, Ill., quit business in 1961.

Six years ago there were ten operating dairies in this area. Now there are only six.

2. I don't know the number of independent dairies presently in business in Illinois but

in my judgment at least 35 percent of those in business 10 years ago have been forced out of business.

3. The unfair trade practices which have been chiefly responsible for the liquidation of these businesses are predatory pricing arrangements at lower prices in Illinois than they have in Missouri by St. Louis-based dairies.

4. Our own business has been hurt through loss of profits by these predatory pricing practices. Our sales volume has not been reduced in number of units sold but our dollar sales amount is lower than it should be because in many cases we have had to reduce our prices to meet those of our out-of-State competitors.

At the present time the major St. Louis dairies sell one-half gallons of milk in St. Louis for 37 cents delivered to retail stores while just across the Mississippi River in East St. Louis and Belleville, Ill., these same dairies have set a price of 32¾ cents for the same product which they have continuously maintained. This amounts to 11½ percent below their St. Louis price.

5. We hope to continue in business with the help of our nonfluid milk operations. I don't believe that a dairy business could continue to operate in this area with only the processing of fluid milk products.

It is my sincere hope that your committee can help all independent business. We do not ask for special privileges but we do ask for elimination of unfair trade practices by the large dairy companies and by the small ones, too.

Yours very truly,

CLYDE W. FRUIT.

PASCHAL'S DAIRY,
Enterprise, Ala., August 1, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: As to the information requested by Mr. D. C. Daniel about unfair trade practices in the milk industry, I am listing a few of the things that confront us from day to day. Since Foremost is our keenest competition I will confine my accusations toward them.

1. Buying accounts with refrigeration.

2. Giving rebates.

3. Bribing accounts: One instance—purchasing two pair of trousers for a customer, stating that it was in appreciation of the business from his store.

4. Buying space in cooler: In one chainstore we were the only one putting milk in. Foremost came along and promised to pay rental on space.

5. On school accounts they offer a percentage back to the lunchrooms. In this way, the lunchrooms can save enough to buy a big piece of equipment in a year. (One lunchroom in my area bought a deep freeze.)

V. W. PASCHAL.

CREAM CREST,
Greenville, Mich., August 8, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: At the request of "Scotty" Daniels, NIDA, I am writing to you to show how unfair competitive trade practices have resulted in the plight of the small independent dairies in Michigan during the last 10 years.

There are only four independent dairies left within a radius of 25 miles of Greenville. The following dairies have gone out of business:

1. Dunsmore Dairy, Ionia, Pete Collins sold out to Joppes' Dairy, Grand Rapids, Pete Joppes about 1948.

2. Yeoman Dairy, Ionia, John Peterson, sold out to Ed Tupper, distributor of Joppe products, about 1957.

3. Johnson Dairy, Belding, Ira Johnson, sold out to George Babcock, distributor for Sealtest, about 1952.

4. Bird Dairy, Belding, William Bird, sold out to Blanding Milk Co., Emory Blanding, in 1958.

5. Blanding Dairy, Stanton, Milton Blanding to Blanding Milk Co., Emory Blanding, about 1955.

6. Blanding Milk Co., Greenville, Emory Blanding sold out to me, Cream Crest Dairy in 1960.

7. Hough Dairy, Cedar Springs, discontinued operation to handle Sealtest products about 1952.

8. Zimmerman Dairy, Cedar Springs, discontinued operation in 1955 to handle Borden's products.

9. Rush Dairy, Sheridan, Ed Rush, discontinued operation.

In almost all cases these dairies have been forced out of business for the following reasons:

1. Territorial price discrimination—chain dairies operating over a wide area selling below costs in certain areas.

2. Supermarkets using milk and ice cream as "loss leaders."

The only thing that will make it possible for the local independent dairy to cope with these inequities is adequate enforcement of the Robinson-Patman Act on the State level (such as the recent Wisconsin law), as well as on the national level.

In the Upper Peninsula of Michigan, there are only a handful of independent dairies left. Fairmont Food's territorial price discrimination in 1958 has eliminated most of the dairies in the Escanaba area (p. 55 of the report on the "Small Business Problems in the Dairy Industry," dated Dec. 22, 1960).

The same thing is happening in our area:

1. Sealtest plant in Lansing selling to its distributor in our area at as much as 6 cents a half gallon below cost.

2. Borden furnishing the Kroger store in Greenville for 30 cents a half gallon, while selling at the normal price in the Detroit area. (See Brooks Robertson's report.)

During the last 8 months we have been continuously faced with stores selling one-half gallon for 33 cents. (See enclosed clippings.) In trying to meet this competition we have suffered fantastic losses. (See enclosed statement.) Our volume has been reduced by 33⅓ percent. We have no hope of survival if these unfair trade practices continue.

Sincerely,

ROBERT M. HOOK.

AUGUST 1, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: Our firm, Harmony Farms, Inc., was consolidated 8 years ago and is made up of four local privately owned dairies. This consolidation was formed in an effort to stay independent and combat certain market conditions.

In the past years, Hamilton Milk Co., Moores & Ross, and the Furnace Co. sold to Borden Co. Less than 5 years ago the Richer Dairy and Fairmont Creamery sold to the Bowman Co. The McClish Dairy sold to Pestel. Young's Dairy and Derrilick Dairy sold out to Westerville Creamery some 5 years ago—then Pestel Milk Co. also sold to Westerville 3 years ago. Now as of July 1, 1961, the Westerville Creamery Co. sold to Beatrice Foods.

These final transactions were sellouts to national dairies, leaving the marketing area with four local independent-owned dairies representing approximately 22 percent of the volume. Two of these four dairies represent 18 percent of this total.

Approximately 78 percent of the fluid milk in Franklin County, Columbus, Ohio, is sold by Borden's, Bowman, and Beatrice Foods. Approximately 90 percent of all ice cream is sold by the National Dairies. In addition, Kroger and the Lawson Co. (Consolidated Goods) process their own dairy products in this area.

Our firm has been active in supporting State legislation to curb certain unfair trade practices. The use of the "fat billfold" for unsecured financial loans (many as high as $20,000, $30,000, or $45,000 to a single account) is the greatest single factor which eliminates our firm from competing for new business and often causes us to lose our present accounts. In 1958, 1959, and 1960 the Borden and Bowman Cos. made over 300 loans to grocers and restaurant operators totaling more than $1,012,000 in Franklin County, Columbus, Ohio. (All of these are registered at Franklin County Courthouse.)

New processing and packaging techniques demand increased volume. However it is very difficult to obtain new volume when our competitors have the advantage of loaning unsecured money and many other uses of their financial strength. It is difficult to determine the exact volume of business lost due to the unfair trade practices, but the loan figures listed above indicates part of our problem.

During March 1961, the Federal Trade Commission investigated and recorded the loan figures listed above.

It seems inevitable that action from a Federal standpoint must be taken to eliminate selling below cost and the use of financial strength without the proper security.

Our firm sells approximately $3.5 million worth of dairy products a year. We still cannot make mass cash, unsecured loans nor can we survive extended profitless periods of operation.

Sincerely yours,

HARMONY FARMS ALL STAR DAIRY,
R. L. BAYNTON, *Secretary.*

BANQUET ICE CREAM & MILK CO.,
Indianapolis, Ind., August 2, 1961.

Subject: Milk industry in Indianapolis and Indiana.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR SIR: The State of Indiana, 10 years ago, had 359 licensed milk plants or processors and now 157 with no chain processors lost during this period of time. This information can be substantiated through Purdue University at Lafayette, Ind., who license all dealers in the State. The failures with the processors no doubt are made up of the following: Unable to meet the mighty competition; some inefficient operation; and other causes that can be obtained from the Dairy Division Economist, Purdue University.

In Indianapolis during the past 10 years, 8 milk processors have sold, 4 to independent and 4 to chain processors, leaving a total of 10 processors, with 2 large chains, Borden and Kroger, and 8 independents who are struggling along on account of the low, low prices with the supermarket food store chains and the financial aid and the assistance from the large chain milk processors. All of this keeps the dairy industry in a turmoil and certainly confuses the ultimate consumer, the public. In addition to the Indianapolis processors, we have Beatrice, National Dairies, Dean Milk Co., and Dairymen's Co-op, coming to this city.

We firmly believe that with some of the ridiculous prices, even giving dairy products away, published in our local papers and mailers sent direct to the home, that the main purpose of all of this is to drive the independents entirely out of business. Now we do not want to leave the impression that the independents do not try to meet some

of the unfair trade practices, but unfortunately they cannot last long on account of their limited financial position in comparison to the mighty chain milk processors and chain food stores.

Several years ago we anticipated the future growth of the population in Indianapolis and the metropolitan area and started to modernize, gearing our dairy plant for anticipated growth of the community which would naturally mean an increase in sales of all dairy products. This area has had a 30-percent consumer growth in the past 10 years and a goodly number of the 30 percent are great milk drinkers—the children. Instead of increasing with the population after our modernization plan dating back to at least 1956, we have had a loss in sales due entirely to the football practices of selling milk and ice cream below cost, giving merchandise away, special discounts and most any kind of sales practices that disrupt ethical marketing, appearing to be the forerunner of a great monopoly in the dairy business by the mighty chain dairies and chain food stores. We independents cannot survive with conditions existing as they are today for any great length of time. The public as a whole is so price conscious and confused with the low, low prices of milk and other dairy products in reading the advertisements in the daily papers and the mailers they receive at home, that they think the legitimate dealer is taking undue advantage of them which we are not. Therefore, with the constant hammering of low, low prices, the per capita consumption has been greatly reduced. The final answer will be reduced consumption of farm dairy products, independent processors or small business gone by the wayside and the mighty chains will have full control with lower farm prices and higher consumer prices.

We cannot exist indefinitely under conditions as they are today.

Our purchases of milk are under Federal milk market order. We have had the Federal Trade examine our Indianapolis situation in addition to an informal hearing held by a representative from the Select Committee on Small Business. We are enclosing recent publications and be assured each week we get a new surprise in low, low dairy products prices, however, some do not advertise in the papers but sell close to our raw milk product cost.

We need some kind of rules for the game that everyone in the dairy industry can understand. We hope your good Committee on Small Business can obtain the necessary legislation to preserve the dairy industry, both large and small, be they interstate or intrastate. If the Government can regulate the price we pay to the farmer and bring us in under a Federal order which we do not object to, certainly there can be some ethical practices legislated to preserve the business that we have been trying to operate on a sound basis over a period of many years.

Sincerely yours,

H. T. PERRY,
Vice President.

Enclosures:

July 26, 27, 28, and 29, 1961: Haboush Super Market—Borden's milk, three half gallons for 99 cents.

July 15, 1961: Borden's milk given away at Standard Food Stores with a $10 purchase at the Southern Plaza only. They have many stores in Indianapolis.

July 26, 1961: Borden's milk given away with a $10 purchase at the Eagledale Shopping Center.

July 10 through 16, 1961: Borden's fresh milk 49 cents a gallon with a $5 purchase. This was mailed and takes in five of their stores, also note ice cream 59 cents a gallon with $5 purchase.

July 27, 1961: The Big Ten Markets—milk 69 cents per gallon.

July 27, 1961: Walt's Super Markets—Borden's sherberts 29 cents for a quart.

July 27, 1961: 7–11 Markets—Frazier's milk 59 cents per gallon.

July 27, 1961: Joe Guidone Arlington Super Markets—Maplehurst fresh milk—three half gallons for 99 cents.

July 27, 1961: Goodwin and Westfall Food Giant—Polk's milk—29 cents per half gallon with $5 purchase.

Kroger Co., Stop & Shop, Marsh Foodliners, and several other chains were quiet this past week, but come Thursday, August 3, 1961, there will be retaliation and at this time only the papers know the price.

AKRON, OHIO, *August 9, 1961.*

Hon. WRIGHT PATMAN,
Congressional Office Building,
Washington, D.C.

DEAR CONGRESSMAN: It gives me great pleasure to have you on our side of the fence in the struggle to try to keep the independent dairyman in this country in business.

I am enclosing a list of Ohio dairies that have gone out of business in the last 10 years, and I am sure that a considerable number of them have gone down the drain through the activities of the giants of the business in the price wars, sales below cost, large loans of money, free equipment, manipulations of buying the raw products, or even in union activities.

If you will trace the history of most milk companies, you will find that originally they had their beginning as a farmer who began bottling his own milk and distributing it into the cities, or as an ambitious young man who was engaged in selling milk for another company, starting out on his own with a horse and wagon or a single truck, and bottling his own milk which he bought from one or two farmers.

Today with Government regulations (Federal orders), big unions, health department regulations, and the small spread (profits) in a quart of milk, it would be impossible to start in the milk business.

I presume some people would argue that this is a good thing, but looking back over the years, this country has grown to its present position in the world by the ambition of the individual and not through regimentation or regulations that kept the individual from starting out to fulfill the ambition that he had.

Twenty-five years ago, we had 23 milk dealers in the city of Akron. Today we have seven and only three of those would be considered independent dairies. All the rest have been bought up or quit due to financial troubles and are no longer in business.

Incidentally, the disappearance of the independent dairies in Ohio is still going on and will probably continue to go on numerically, at a lower pace, but when you consider the great number that have already disappeared, the ones that are going out or are being bought out now are much larger and of more consequence as witness the recent acquisition by Beatrice Foods, of Westerville Creamery, Westerville, Ohio, which involved a $4 million deal.

In my estimation, there are three things now that will continue to take its toll of independent operators in the dairy business and they are sales below cost, the loaning of money, and the giving away or long-term financing deals of equipment to large buyers of dairy products.

I believe sincerely that if these three activities could be eliminated or when they appear, be brought to light through the FTC, and cease-and-desist orders be made immediately applicable to such activities, it would go a long way to stop the trend of the disappearance of the independent dairymen.

As a box score on the game of disappearances of independents: 724 independents 10 year ago, 389 independents in 1960, 18 have gone out so far in 1961.

(Figures from Agricultural Department, State of Ohio.)

I hope the above information will be of value to you in your efforts to correct a dismal outlook for the small businessmen.

Very truly yours,

REITER & BARTER, INC.,
HAROLD F. REITER.

OHIO DAIRIES THAT HAVE GONE OUT OF BUSINESS, 1950 TO 1961, INCLUSIVE

IN 1950

East End Dairy, Loveland.
Total for 1950: One.

IN 1951

East State Dairy, Alliance.
Jim Edmiston's Dairy, Findlay.
Elmhill Dairy, Inc., Dayton.
Gray & White Co., Defiance.
Hoover Creamery, Ada.
Total for 1951: Five.

IN 1952

Avon Dairy, Barberton.
Block Dairy Farms, Hamilton.
Brunner's Dairy, Alliance.
Dairy Service Co., Oberlin.
Meade Farnham & Sons, Edgerton.
Globe Dairy, Canton.
Griffey's Dairy, Conneaut.
Huntington Interstate Producers Association, Racine receiving plant, Gallipolis.
Ideal Dairy Co., Cleveland.
Davie Keller Dairy, Massillon.
Lake Shore Creamery, Geneva.
Long Stow Dairy, Stow.
Mayflower Dairy Co., Cleveland.
Meadowbrook Dairy, Cleveland.
Mechanicsburg Creamery, Mechanicsburg.
Nordick Dairies, Inc., Lima.
Orchard Grove Farm Dairy, Canton.
Page Dairy, Whitehouse.
Powell's Dairy, Steubenville.
Priest Dairy, Centerburg.
Purity Farm Dairy, North Olmstead.
Quality Dairy, Ashtabula.
Reed's Quality Dairy, Barnesville.
Russell Reight Dairy, Wellsville.
Ringold Dairy, Circleville.
Shelly's Dairy, Wooster.
George Sisco & Sons Dairy Farm, Niles.
Sunnyhill Dairy, Augusta.
Telling Ice Cream Co., Carrollton.[1]
Tower View Dairy, Mason.
Union Dairy Co., Steubenville.
White House Dairy Co., Cleveland.
Wiroma Goat Dairy, Massillon.
Wyler Bros., Inc., Northeast Canton.
Zeyer's Jersey Farm, Mount Pleasant.
Zink Bros. Dairy, Inc., Massillon.
Total for 1952: 36.

IN 1953

Steve Antonoff and Sons, Poland.
Frank Brog, Dillionvale.
F. W. Byers, Petersburg.
City Dairy, Montpelier.
Floyd Cook, Paulding.
Daniel's Dairy, Pandora.
Loyd Dearing, Jackson.
Glenn Evans, Stockport.
Albert J. Feldhaus, Reading.
J. H. Fielman Dairy Co., Cincinnati.
Gillespie Milk Products Corp., Cincinnati.
Gilpin Dairy, Sciotoville.
Grafton's Dairy, Steubenville.
Griffith Dairy, Hillsboro.
G. B. Grove & Sons, North Jackson.
Jones Dairy, Youngstown.
Lawrence B. Kelsey, Swanton.
Madara Creamery, Elyria.
Millcreek Dairy, Poland.
Model Dairy, Hicksville.
North Park Dairy, Newark.
C. E. Obrock, Cleveland.
Parker Dairy, East Palestine.

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[1] National Dairy Co.

Pine Tree Dairy, Delta.
Quaker City Co-op. Creamery Co., Quaker City.
River Knoll Farms, Lafayette. PD.[2]
Rosenberger Dairy Products Co., Wellsville.
Walter Schumaker, Woodsville.
Shadyside Dairy Co., Parma.
Sunnydale Dairy, Bloomingdale.
Timmer Creamery Products, Inc., Tipp City.
Timmons Dairy, West Jefferson.
Tip Top Dairy, Cleveland.
Tisher's Dairy, East Liverpool.
Tri-County Dairy, Morrow.
Vale Edge—Kainrad Dairies, Inc., Ravenna.
Walker's Dairy, Shelby.
Witmerink Dairies, Cleveland.
Total for 1953: 38.

IN 1954

Avalon Dairy, Middletown.
Bay's Jersey Dairy, Cumberland.
Bennett Dairy Products, Inc., Lancaster.
Borden's, Columbus Grove.[1]
Borden's Cheese Co., Antwerp.[1]
Borden's Dairy Co., New Philadelphia.[1]
J. R. Brant, Columbus.
George Buxton, Warsaw.
Circle B Dairy, Jeromesville.
Frank L. Clever and Sons, Mount Pleasant.
Cloverleaf Dairy, Orrville.
Coopers' Dairy, Toronto.
Delaware Milk Co., Delaware.
Dorset Milk Co. (Co-op.), Dorset.
Falls Dairy, Cuyahoga Falls.
L. A. Gasford, Antwerp.
Guernsey Dairy, Circleville.
Harter Ice Cream Co., Inc., Barberton.
J. W. Hooper Dairy, Coshocton.
Frank Kapuscinski, Lansing.
Lakewood Dairy, Lakewood.
Leber Farm Dairy, Bellevue.
Miami Bell Dairy, Germantown.
Milk Producers Federation of Cleveland, Cleveland.
Ralph and Kathryn Miller, Dunkirk. PD.[2]
Moore's Dairy, Burghill.
Niehhof Dairy, Cincinnati.
Portsmouth Pure Milk Co., Portsmouth.
Russell Dairy, Newcomerstown.
Russell Dairy, Sidney.
Smith's Dairy Co., Garfield Heights.
George Sonoff Dairy, Barberton.
Spriegel Bros. Dairy, Northrup.
Pine Rest Farm, N. Jackson.
Freddie Walker Dairy, Cleveland.
Wayne Co-op Milk Producers, Inc., Columbus Grove.
Total for 1954: 36.

IN 1955

Bantam Ridge Dairy, Steubenville.
Beachwood Dairy, Cambridge.
Bennett Co., Athens.
Better Dairy, Barnesville.
Caldwell Produce Co., Caldwell.
W. E. Clements, Junction City. PD.[2]
Crystal Springs Dairy, Elyria.
DeGraff Creamery, DeGraff.
Dunmyer Dairy, Lindsey.
John Divrak, Lansing.
E. Greenville Dairy, N. Lawrence.
Fairview Dairy, New Philadelphia.
Grocers' Co-op Dairy, Dayton.
Hill Crest Dairy, Belle Valley.
Indian Trails Farm Dairy, Piqua.
Instantwhip, Akron.
Instantwhip, Columbus.
Kroger Grocery, Toledo.
Maple Lawn Dairy, Greenwich.
Mary Bell Farm, Lowellville. PD.
Mills Farm Dairy, Hudson. PD.
Mount Vernon Foods Co., Mount Vernon.
Opekasit Farms Dairy, Hamilton.
J. S. Purdy Dairy, Gambier.
Rawlings Dairy, Cleveland.
Donald Rose Dairy, Waynesburg.
Russell Dairy, Wellsville.
Tiffin Dairy, Findlay.
Schaffer's Dairy, Van Wert.
Smith's Creamery, Salem.
Joseph C. Spencer, Newark.
Pete Stemkowski, Shadyside.
Sunnydale Farms, Lima.
Supreme Dairy, Baltimore.
Thompson's Farm Dairy, Amherst.
Town Line Dairy, Chardon.
Valley View Dairy, Sugarcreek.
Vernon Dale Farms, East Liverpool.
Washington Produce Co., Washington Court House.
Fred Westall, New Lexington.
Willow Spring Dairy, Ashtabula.
Youngs Dairy, Columbus.
Zimmerman Dairy, Amherst.
Ralph Yoder, Delphos.
Total for 1955: 44.

IN 1956

Andalusia Dairy Co., Salem.
Baesel Dairy Co., Berea.
Belmont Farms Dairy, Perrysburg.
Biery's Dairy, Warren.
Brown's Dairy, Wapakoneta.
Carnation Co., Loudonville.[1]
Cappeldale Farms Dairy, Dover.
Champion Cheese Co., Sugar Creek.
Chick's Dairy, Lorain.
City Dairy, Kenton.
Creamline Dairy, Wapakoneta.
Dean Hill Farm, Canfield.
Foremost International Dairies, Portsmouth.
Fostoria Union Dairy Co., Fostoria.
Friends' Dairy, Canal Winchester.
Groveport Creamery, Groveport.
Theodore O. Heyden, Columbus.
Homan Dairy Co., Lisbon.
Home Dairy, Chillicothe.
Hookie's Dairy, Strasburg.
Hubach's Products Co., Tiffin.
John Huffman & Son, Bloomingdale, PD.[2]
Lincoln Highway Dairy, Delphos.
Logan Home Dairy, Logan.
London Creamery Co., London.
Theodore G. Manley Dairy, Montpelier. PD.[2]
Middlefield Dairy, Middlefield.
Mitchell's Dairy, Wapakoneta.
Ohio Evaporated Milk Co., East Rochester.
Ohio Evaporated Milk Co., Farm Dale.
Otto Milk Co., Prospect.
Oyster's Dairy, Alliance.
Page Dairy, Kingsville.
Parker's Dairy, Barberton.
William Peirce Dairy, Carey.
Pleasant View Dairy, Carrollton.
Ringer & Son Dairy, Xenia.
Ryan Roller, Columbiana.
Russell & Marcia Bush, McConnellsville, PD.[2]
Schneider-Bruce Dairy Co., Rocky River.
Spring Run Dairy, Williamsfield.
Spring Valley Farm, Reynoldsburg.
Swift & Co., Defiance.[1]
Swift & Co., Lima.[1]
Telling Belle Vernon Milk Co., Ashtabula.[1]
Telling Belle Vernon Milk Co., Cleveland.[1]
Telling Belle Vernon Milk Co., Shelby.[1]
Uhrichsville Ice Cream Co., Uhrichsville.
Valley View Farm, Lebanon.
Warsaw Cheese Co., Warsaw.
Winters Guernsey Dairy, Loudonville.
Total for 1956: 51.

IN 1957

Azdell's Dairy, East Liverpool.
Bakersville Cheese Co., Bakersville.
Burger Dairy, Canton.
Chillicothe Pure Milk Co., Chillicothe.
Citizens Dairy Co., Springfield.
Clover Dairy, Cleveland.
Cloverleaf Dairy, Bridgeport.
Dairy Made Products Co., Louisville.
Dairy Dale Farm, Wadsworth.
Mary Dibble, Celina. PD.[2]
Gill's Dairy, Conneaut.
Guernsey Dairy, Greenfield.
Hookin Dairy, Oak Harbor.
Hy-Grade Milk Co., Ironton.
Kaesemeyer & Sons Co., Norwood.
Maple Drive Dairy, West Liberty.
Miller's Goldseal Dairy, Inc., East Liberty.
Molen Dairy Farms, Dayton.
Ohio Cloverleaf Dairy Co., Toledo.
Orchard Hill Farm Dairy, North Canton.
Page Dairy, Findlay.
Parkview Dairy, Lancaster.
Pleasantview Dairy, Steubenville.
John Riddle, West Union. PD.[2]
Risher's Dairy, Inc., Warren.
Spring Hill Dairy Co., Gallipolis.
Tapor Ideal Dairy Co., Inc., Cleveland.
Telling Belle Vernon Milk Co., Findlay.[1]
Truesdell's Dairy, Ashtabula.
Upper Sandusky Dairy, Upper Sandusky.
Vinton Hills Dairy, McArthur.
Total for 1957: 31.

IN 1958

George Aug & Son, Cincinnati.
Baetz & Barber Dairy Co., Lorain.
Barrett Creamery Co., Rocky River.
Beatrice Foods Co., Cincinnati.[1]
Brookfield Dairy, Massillon.
Burkey Dairy, Sugar Creek.
Butterbridge Cheese Factory, Canal Fulton.
Child's Dairy, Cleveland.
Cloverdale Dairy, Leavittsburg.
George Coy, Toledo. PD.[2]
Allie Davis, Bellefontaine. PD.[2]
Degner Dairy, Toledo.
Dorset Milk Co. (Co-op), Dorset.
Frasure & Brown Dairy, Logan.
Glen Valley Farms, Cleveland.
Glenville Dairy, Cleveland.
H. & H. Dairy, Wadsworth.
Hills Dairy Farms, Richmond.
Hyde Park Dairy Co., Norwood.
Ideal Dairy Co., Marion.
Knepper's Dairy, East Liverpool.
Koppenhoffer Bros., Deshler.
McCausland City Dairy, Carrollton.
McDannel Dairy, East Canton.
John C. Mandanery & Son, Cincinnati.
Merilla's Dairy, Ashtabula.
Mount's Goat Dairy, Mansfield.
Harry J. Narzinger, Archbold.
Plain View Dairy, Columbus Grove.
Pure Milk Corp., Steubenville.
A. S. Reed, Ashtabula. PD.[2]
Renko Bros., Elm View Diary, Ashtabula.
Stonybrook Dairies, Inc., Cleveland.
Sunshine Dairy, Cleveland.
Tisher's Dairy, Hannibal.
Treon Sunshine Dairy, Painesville.
Ullery Dairy Co., Greenfield.
Willow Brook Dairy, Ashtabula.
Total for 1958: 38.

IN 1959

Harry Boundy, Paulding. PD.[2]
Brammer Dairy, Rock Camp.
J. Howard Eby, Trotwood. PD.[2]
Eldorado Creamery, Camden.
Fairmont Foods Co., Columbus.[1]
Globe Dairy, Van Wert.
Gulick's Dairy, Conneaut.
Home Producer Milk Co., Columbus.
Honey Dale Dairy, Cleveland.
Huber Dairy, Galion.
H. O. Janson, Inc., Canton.
Jewell Ice Cream and Milk Co., Mount Vernon.
Kolter-Buckeye Dairy Co., Lima.
Kysilka Dairy, Cleveland.
Lumby's Dairy, Edgerton.
Merchants Creamery, Cincinnati.
Don Murphy Dairy, Antwerp.
Parrish Creamery Co., Coshocton.
Roe Jersey Farm Dairy, Chillicothe. PD.[2]
South Vernon Milk Co., Mount Vernon.
Sterling Dairy Co., Canton.

[1] National Dairy Co.
[2] PD: Possible producer-distributor. Status not certain.

[1] National Dairy Co.
[2] PD: Possible producer-distributor. Status not certain.

[1] National Dairy Co.
[2] PD: Possible producer-distributor. Status not certain.

Urbana Creamery, Urbana.
Vale Edge, Ravenna.
Wayne Co-op Milk Producers, Inc., Antwerp.
Arnold Wilson Dairy, Wilmington.
Total for 1959: 25.

IN 1960

Alpha Dairy, Xenia.
Black's Dairy, Piqua.
Boellner Bros. Goat Dairy, Maumee.
Borden's Dairy, Middletown.[1]
Cordray Bros., McConnellsville.
Dilg Dairy, Hamilton.
Farmfresh Dairy, Massillon.
Fox Dairy, Fostoria.
Frecker's Ice Cream Co., Columbus.
Furrow Dairy, Piqua.
Gable and Sons Dairy Farm, Columbus.
Gedert's Dairy, Toledo.
Hamilton Farms Dairy, Jefferson.
Jersey Knoll Farm, Mount Gilead.
C. M. Kearn Dairy, Bellevue.
Morrow Creamery, Mount Gilead.
L. Myers Dairy, Cincinnati.
Sealtest N.D.P.C., Ashtabula.[1]
Pestel Milk Co., Columbus.
Pet Milk Co., Delta.[1]
Pet Milk Co., Fremont.[1]
Rumbaugh Goat Dairy, Ashland.
Sanders Dairy, Piqua.
Sealtest Central Division, N.D.P.C., Hamilton.[1]
Service Creamery, Lorain.
Smith's Dairy, Canton.
Smooth-Kool Dairy Co., Bucyrus.
Sunrise Dairy, Cleveland.
Union Avenue Dairy, Pomeroy. PD.[2]
Wooster Farm Dairies Co., Wooster.
Total for 1960: 30.

1961

George Bosse Dairy, Cincinnati.
Deerlick Dairy, Delaware.
Lowell Eby, Brookville. PD.[2]
Elm Dairy, Marysville.
Fitz Bros., Sandusky.
Gem City Ice Cream Co., Dayton.
Ideal Dairies Co., Painesville.
Keller Dairy, Galion.
Miceli Dairy Products, Cleveland.
Sealtest N.D.P.C., Attica.[1]
Sealtest N.D.P.C., Mount Vernon.[1]
Parrish Dairy, Caldwell.
Po-An-Go Goat Dairy, Greentown.
George H. Russell, Fostoria.
L. E. Valley Farms, Springfield.
Wapa Farm, Wapakoneta.
White Clover Dairy Farms, Inc., Dayton.
Woodsfield Ice and Creamery Co., Woodsfield.
Total to date for 1961: 18.
Total of Ohio dairies that have gone out of business, 1950 to 1961, inclusive: 353.
(This list compiled August 2, 1961.)

AUGUST 9, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: It was indeed a great pleasure to meet with you at the recent convention of the National Independent Dairy Association. I certainly appreciated the fact that you took time from your busy schedule to meet with us. I recently received a questionnaire from Scott Daniel requesting that I send you the following information.

In 1952 there were 986 dairies in Pennsylvania; in 1961 there are 626. This indicates that there are 360 dairies less at the present time in Pennsylvania than were in operation in 1952. This figure includes all the dairy operations in the State of Pennsylvania, which are retail and wholesale milk dealers, manufacturing plants, and subdealers. Pennsylvania is primarily a fluid market, therefore, there are very few, and mostly small, manufacturing plants. The reduction of 160 milk dealers is mainly fluid milk businesses. In Pennsylvania, we have only five large chain operations, therefore, most of the businesses are independents. The milk dealers who went out of business were practically all, if not all, independents. I reviewed the questionnaire with the Pennsylvania Milk Control Commission and they stated that since 1952, they knew of no dairies that went bankrupt. Most of these dairies were small dealers who sold out to larger dairies. They sold out for one or more of the following reasons:

1. Buildings and/or equipment became old and obsolete. When this equipment had to be replaced, either they did not have the money to remodel, or did not wish to invest the money to remodel.

2. There is a ready market to sell a small business. Therefore, the small dealer feels it is to his advantage to sell while he still has a running business.

3. Many of these small businesses were individually owned. The owner is now at or near the retirement age and has found that his son, or sons, are not interested in a small milk business and therefore, makes the decision to dispose of his operation.

4. Some of these businesses are so small that under present operating costs, they do not receive a large enough return to continue.

In Pennsylvania we have a very interesting story due to our milk control commission. It is the oldest and, I believe, the best operated commission in the country. In 1933 in the midst of the depression, farmers and milk dealers were going out of business in Pennsylvania, due to bankruptcy, at about the same rate. The rate was alarming. Our Governor realized that something had to be done or there would not be enough milk produced or distributed in the State to maintain the health of the people of Pennsylvania. Therefore, he inaugurated a milk control commission as a health measure. The State legislature set up the rules and regulations for the milk control commission. It was given three charges:

1. To return to the farmer the cost of producing the milk, plus a reasonable profit.

2. To set the price of milk, home delivered, at a price high enough so that the milk dealer receives the most of operation, plus a reasonable profit.

3. To always bear in mind that the milk sold to the consumer must be set at a level so that the consumer can afford to buy an adequate amount of milk to maintain the health of her family.

Our milk control commission has been set on a sound basis and as a result has operated continuously since it was inaugurated in 1934. As a result, the farmers are producing more than enough milk to meet the requirements of the State. The milk dealers have received cost of production plus, and the retail price of milk has been at a level so that the consumer can afford to buy it. If the price of milk is set to return a fair profit to the average, normally efficient milk dealer; it will not return a sufficient profit to an inefficient milk dealer or to a dealer who is too small to operate under today's mechanized system. Therefore, this dealer cannot, and probably should not, continue in business. The dealers in our State, under the regulations of the Pennsylvania Milk Control Commission, may operate differently than dealers who operate without a milk control commission, or with a milk control commission that has only a partial and not complete operation.

If you have any additional questions, feel free to contact me.

Sincerely,

MARTIN CENTURY FARMS, INC.,
C. H. GODSHALL, *Secretary.*

AUGUST 4, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: In response to an inquiry from Mr. D. C. Daniel, executive vice president of National Independent Dairies Association, I am attempting to answer the six questions he posed:

Question 1. Number of independent dairymen in Missouri who have failed or sold out to a competitor in the last 10 years: about 50.

Question 2. Names and locations of those listed in question 1.

Atteberry Dairy, Charleston, Mo.; distributor for Sealtest.
Crenshaw Dairy, Charleston, Mo.; quit.
Lawson Dairy, Caruthersville, Mo.; distributor for Sealtest.
Oldfield Dairy, Cape Girardeau, Mo.; distributor for Sealtest.
O'Laughlin Dairy, Jackson, Mo.; distributor for Sealtest.
Murphy Dairy, Arcadia-Ironton, Mo.; distributor for Sealtest.
Vaughn Dairy, De Soto, Mo.; distributor for Sealtest.
Creole Dairy, Ste. Genevieve, Mo.; sold to Dairy Brand.
Purity Dairy, Bonne Terre, Mo.; sold to Tucker Dairy.
Schonhoff Dairy, Cape Girardeau, Mo.; quit.
Woods Dairy, Sikeston, Mo.; distributor for Edwardsville Creamery, Edwardsville, Ill.
Central Dairy, Columbia, Mo.; sold to Beatrice.
Casey Dairy, Potosi, Mo.; quit.
Merchants Dairy, Desloge, Mo.; sold to Foremost.
Producers Dairy, Poplar Bluff; sold to Foremost.
Producers Dairy, Lutesville, Mo.; quit.
Country Club Dairy, Kansas City, Mo.; sold to Fairmont.
Quality Dairy, Hannibal, Mo.; sold to Beatrice.
Watson-Weber Dairy, Malden, Mo.; quit.
Weber Dairy, Hannibal, Mo.; sold to Quality Dairy, Hannibal.
Cloverleaf Dairy, Springfield, Mo.; sold to Adams Dairy Co.
Beverly Farms Dairy, Lee Summit, Mo.; now a distributor.
Audrain County Dairy, Mexico, Mo.; Sealtest distributor.
Cole Dairy, West Plains, Mo.; Sealtest distributor.

Question 3. Independents who aren't in business now who were in business 10 years ago: about 30.

Question 4. Unfair trade practices at present:

1. Below cost selling.
2. Discriminatory pricing.
3. Unlawful discounts.
4. Free merchandise, equipment, and facilities.

Question 5. How have unfair practices affected our growth? We have had no growth for 5 years. Profits have decreased about 40 percent. Our volume has decreased about 10 percent.

Question 6. Chances of survival. Present trends are such that our only hope for survival is better law enforcement and "below cost" legislation.

It is difficult for one person to be acquainted with all areas of the State of Missouri. There is no longer any independent dairy in Kansas City, and in the entire area of Missouri, north of the Missouri River, there are only three independently owned dairies. Southeast Missouri, where we are located, has 5 dairies, where about 20 dairies operated in the area 10 years ago.

We have experienced about every conceivable gimmick by our competition—how we have managed to survive amazes me. We

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[1] National Dairy Co.
[2] PD: Possible producer-distributor. Status not certain.

have seen chainstores and a favored dairy apparently conspire to take over the dairy business in Missouri, and they have almost got the job done. When these practices are prevalent in an area, the other dairy giants jump on the bandwagon and pick up what is left. As you will note, many small dairies have become distributors for national dairy concerns—I believe there are about 50 distributors for Sealtest in Missouri—and are so limited in the territories that they can make a living but never become a big problem for Sealtest. A lot of these fellows used to be the ones we competed against, yet the competition was not illegal or unfair. In many cases, they were our friends and neighbors. If the present trend continues as it has, in another 10 years the milk business of our country will be operated from New York or Chicago.

We operate in a modern dairy plant. None of our equipment is over 12 years old. Our plant, delivery and office costs are below average. Yet we made a profit on sales in 1960 of less than 3 percent. That margin of profit gives us little opportunity to keep our plant and methods modern. Even now we feel that we can compete with any dairy serving this area—and make a profit—if they will sell their products at cost or above cost. We have cost accounting and we have a pretty good idea what costs are.

Very truly yours,

L. M. STANDLEY,
President.

AUGUST 10, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: During the past 10 years, five independent dairies in Honolulu were sold out to national chain dairy companies; and as a result, there are only two independently owned dairies left in our city.

The independent dairies which were sold out to big companies are Compos Dairy, Moanalua Dairy, Rico Ice Cream Co., Service Cold Storage Co., and Mon's Ice Cream Co.

The national dairies that are doing business in Honolulu are Beatrice Co., Foremost Dairies, and Arden Farms.

Before the national dairies entered the Honolulu market, the local independent dairy operators were able to earn their share of profit. However, when the national companies started to increase their business by offering new and larger ice cream cabinets to retail stores, the independent dairies lost their good accounts to big firms. It is also understood that one of the companies is financing the purchase of cabinets and other fixtures to the supermarkets in order to get their dairy business.

If this sort of unfair practice continues, chances of survival of independent dairies are very small.

It is hoped that some sort of legislation is adopted to protect the independent dairies from being forced out of business.

Sincerely yours,

MELLO-GOLD, LTD.,
SADATO MORIFUJI, *President.*

AUGUST 9, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: In a letter received from Scott Daniel, of National Independent Dairies Association, on July 25, 1961, requesting urgent information, the following is our reply:

"In 1950 there were 372 milk plants holding pasteurization certificates in the State. Thirty-two out-of-State plants held such certificates. In 1960 there were 219 milk pasteurization certificates issued, with 51 issued to plants outside of the State.

"So far as ice cream is concerned, as near as I can figure, about 75 ice cream manufacturing plants have been closed over the 10-year period.

"As to reasons why, No. 1 is that in several instances the larger manufacturers have ceased operating their local plants and concentrated their efforts in manufacturing in one location. This has not only been true of the larger companies but of a number of the smaller ones as well. Several companies have joined with others in about their own status throughout the State in their manufacturing of ice cream and processing of milk.

"By far, the greater number have gone out because of mergers, sellouts, or just plain ceasing to operate. Probably the most important reason has been that of economic pressure. Prices in both ice cream and milk have been most unfavorable in most localities in the State over the past several years. This has made it necessary for the small man to discontinue his operations.

"The following are recent unfair trade practices of several of our national competitors:

"1. An unusual sum of money, $100,000, was loaned on a note only with no collateral and a very small interest rate by Sealtest to the Mayflower Super Foods at 3748 Elston Avenue, Chicago, Ill. An independent manufacturer is put in an untenable position when deals such as this is made by a national company such as National Dairy Products.

"2. In another instance Sealtest yielded to their unfair practices by giving an account with a yearly gallonage of 5,000 gallons of ice cream, prices below the current market prices and in addition to the above, an advertising allowance of $35 a week in goods. This account was Harold Helms and Otto Barone at 4022 North Lincoln Avenue, Chicago, Ill.

"3. In a third instance they gave $240 per year in goods as an advertising allowance to an account doing 1,000 gallons of ice cream per year, plus prices below the current market prices. This account is Sam Catalano at 3657 North Broadway, Chicago, Ill.

"These are just a few of the unfair practices being plied by Sealtest in the Chicago marketing area that we have at our fingertips.

"Swift & Co. is another of the national concerns to use unfair practices. In one instance, Concordia Teachers College, 7400 Augusta Street, River Forest, Ill., the subject company loaned equipment in excess to their needs; in addition gave a 30 cents per gallon rebate in order to make it untenable for us to keep the account. This is below their published list.

"In reply to question No. 5 of basic letter: 'Unfair competitive trade practices have affected our volume in excess of 90,000 gallons of ice cream.' "

Very truly yours,

BRESLER ICE CREAM CO.,
WILLIAM J. BRESLER.

OWEN'S DAIRY,
Englewood, Colo., August 1, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: Concerning the request of Mr. D. C. Daniel regarding the number of independent dairies in our State, here is the information to the best of my ability.

In 1956 there were approximately 144 independent dairies in Colorado. We now have approximately 81 independent dairies, or a decrease of 63 companies. Approximately 19 of the 63 companies in question were sold to national chain dairies. Of this group an additional six have become distributors for the large concerns. Of the remaining number, 13 have merged with other independents, the rest have gone out of business for reasons unknown to me.

Undoubtedly, some of the business failures were due to mismanagement; however, I am confident that some failures were due to the unfair trade practices constantly in use by the chains.

The national companies involved in this State are as follows: Beatrice Foods, Borden's, Fairmont, Carnation, and Sealtest.

If these giants are allowed to continue their immoral and illegal methods of doing business, it is questionable how long our company, as well as many other independents, will remain in the marketplace. Were it not for men such as yourself, we would have given up the ship 2 years ago.

I trust this information will be of some value to you in your fight against monopoly. If I can be of further service, please feel free to call upon me.

Sincerely,

PAUL R. MILLER.

GARDINER DAIRY & ICE CREAM CO.,
August 12, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: We operate in 25 counties in southwest Kansas, which I realize is 25 percent of the territory in Kansas, but it is in the sparsely settled area and it only represents 5 percent of the population. Since 1954, 11 independent dairy plants in this area have gone out of business, leaving only 6, and one of them is a major plant of the Fairmont Food Co. located in Dodge City, Kans. It is my estimate that they have 65 percent of the business in the entire territory. So the rest of the five independents have only 35 percent of the business. In this area the other majors, namely, National Dairy Products, Borden Co., Carnation Co., Beatrice Foods Co., all have plants outside this trade area but do have a good deal of the business.

The reason we, and the other independents, have trouble staying in business is that these major companies are furnishing equipment, financing the businesses, supplying large signs, renting the sides of the buildings for the placement of large billboards, issuing secret rebates or using tie-in sales and running specials at prices below cost. Some of the major grocery organizations have sponsored agreements to price with their competitors to price our products higher than other brands and running specials for the weekend on their private label below cost. This has caused us to lose in some towns where we were strong 80 percent of our business in the past 20 months. We operate 12 wholesale routes and one of these routes is off 40 percent, another 24 percent, another 19 percent, and another 14 percent during this past 20 months when the strive is on apparently to put us independents out of business. It has caused the sales to drop 11 percent in this area which means the production from 500 cows. If something isn't done to correct these unfair trade practices, there will not be many of the five independents left at the end of 3 years. The way the majors are operating now, they can move in on us further any time and have us broke in 90 days' time.

No doubt you are familiar with the price of ice cream in Wichita, Kans., today which is far below cost. It is my understanding the Small Business Committee and the Federal Trade Commission are moving in to conduct an investigation in that area and those same prices are being put into effect in this area this weekend. If we do not meet the prices we lose the business, and if we do meet the prices we lose money.

Either way we go our chances of survival are very slim.

Please do what you can to help us at the earliest possible moment.

Sincerely,

RALPH P. GARDINER.

GOLDEN GUERNSEY FARMS, INC.,
August 4, 1961.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: First, we wish to say a sincere thanks for your continuing concern in the matters effecting small business. Your leadership is truly valued.

In support of the need for proposed legislation now being considered, the record of our market in Indiana is briefly described. According to records available, of the 343 licensed handlers of milk in Indiana in 1951, only 155 remain active today—1961. The others have been driven to economic sacrifice by selling out or to economic ruin if they were unable to find a buyer. Most has been caused by the devastating piracy acts of the chain dairies and chain food merchants.

Great economic pressure is applied by the chainstores, frequently causing dairies to accept terms that lead to insolvency. This the independent dairy cannot endure. In this area, Marsh Food Stores and Kroger Food Stores operate their own dairies. While the Great Atlantic & Pacific Tea Co. and the National Tea Co. and other chains buy from the chain dairies. These same forces have fought with every weapon at their command to prevent the enactment of State legislation which would outlaw the unfair trade practices. While all of this is going on, the retail delivery of milk to the homes is being undermined and destroyed. Published studies report the importance of retail delivery to the attainment of the highest milk utilization.

The chainstores give milk away with other purchases and since their supply is obtained from the chain dairy, the independent is considered a decadent culprit for asking a price for his milk products. The just value of such a beneficial product is distorted, and during the past 36 months of chaotic conditions, the per capita consumption of milk has shown a substantial decline.

The present practices of asking secret discounts and special rebates, together with the excessive extension of credit—6 months on purchases and substantial unsecured loans at low interest rates by the financially powerful may eventually cause our demise. The situation in Indiana is so bad, with the chain merchants and chain dairies presently operating in the State depressing the dairy industry, that the market value of existing independent dairies has been destroyed.

Other chain dairy operators are known to have refused to buy any buisness in Indiana because of the lack of profit potential under existing conditions. The success of your work is our only hope.

Very sincerely yours,

G. L. MCFARLAND.

It has been my opinion and contention over the past many years that, if the constantly accelerated trend toward monopoly and the destruction of small businesses and small communities continues to its logical conclusion, without adequate hindrance from the Federal Government, the entire picture of America as we know it and the concepts upon which this country was founded and achieved its present eminence in the world, will disappear forever. America will become a Nation of employees, servants of unseen and unknown monopolistic giants, with the concomitant destruction of the incentive and ambition which built this Nation and enabled it to survive all of its many tests. If that happens, I sincerely believe that the form of Government under which we have prospered for so long will also have to change. To me, it seems inevitable that, if our economic power is ultimately concentrated under the control of a comparatively few mammoth combinations, then either those few giants will be able to dictate the policies of our Government, or the Federal Government will be forced to control and regulate all private enterprises, with the result that we would become a socialistic instead of a democratic country. Therefore, I firmly believe that the problems which we are considering at this hearing are logically and irrevocably a vital part of our economic and governmental future. If the Congress does not enact the proposed legislation and other similar bills to curb the headlong race toward monopoly, the America of the future will not remotely resemble the great Nation we know and love today.

CRIMES ABOARD AIRCRAFT IN AIR COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2268) to amend the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, what is this bill?

Mr. HARRIS. This is the same bill that passed the House yesterday, H.R. 8384, on the hijacking of airplanes. We are merely substituting the Senate bill.

Mr. HOFFMAN of Michigan. I object, Mr. Speaker.

SALINE WATER CONVERSION PROGRAM

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. DURNO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DURNO. Mr. Speaker, I rise to compliment the Committee on the Interior for the careful, meticulous, yet comprehensive, work that they have done in bringing to the floor of this House H.R. 7916, which would expand and extend the saline water conversion program. The hearings on this bill, and the conclusions derived therefrom, were the result of efforts by all members of the committee. I believe that the subcommittee chairman, the gentleman from Texas [Mr. ROGERS], the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], and the minority ranking member of the committee, the gentleman from Pennsylvania [Mr. SAYLOR], should be particularly commended for the carefulness and fairness with which these hearings were held.

I believe that this bill is one of the most important that the Congress has passed in this session. The future of this country and of the world will depend in future generations to a great extent on the abundance of pure, fresh water. This program has been kept under the careful scrutiny of the Congress and will be funded by direct appropriations made by the Congress. For this I am deeply grateful. The very fact that this bill was brought up under a suspension of the rules and was so carefully and precisely explained by the ranking members that it did not receive one audible negative vote is in itself a great tribute. I desire to associate myself and these remarks with the ranking members of my committee. I would ask that they be inserted following the debate on the bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PELLY, for today, on account of attendance at a family funeral.

Mr. MILLIKEN (at the request of Mr. FENTON), for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROUSH, for 15 minutes, on Wednesday, August 23, 1961.

Mr. KEITH (at the request of Mr. LINDSAY), on Tuesday, August 29, 1961, for 60 minutes.

Mr. MAGNUSON (at the request of Mr. SANTANGELO], on Thursday, August 24, 1961, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. LINDSAY) and to include extraneous matter:)

Mr. CURTIS of Missouri.

Mr. FINO.

(The following Members (at the request of Mr. SANTANGELO) and to include extraneous matter:)

Mr. STRATTON.

Mr. MULTER.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 233. An act for the relief of Sonja Dolata; to the Committee on the Judiciary.

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee; to the Committee on the Judiciary.

S. 631. An act for the relief of Elwood Brunken; to the Committee on the Judiciary.

S. 651. An act for the relief of Howard B. Schmutz; to the Committee on the Judiciary.

S. 1234. An act for the relief of Max Haleck; to the Committee on the Judiciary.

S. 1355. An act for the relief of Helen Haroian; to the Committee on the Judiciary.

S. 1486. An act to authorize the Comptroller of the Currency to establish reasonable maximum service charges which may be levied on dormant accounts by national banks; to the Committee on Banking and Currency.

S. 1742. An act to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

S. 1771. An act to improve the usefulness of national bank branches in foreign countries; to the Committee on Banking and Currency.

S. 1787. An act for the relief of Giovanna Vitiello; to the Committee on the Judiciary.

S. 1880. An act for the relief of Johann Czernopolsky; to the Committee on the Judiciary.

S. 1906. An act for the relief of Fares Salem Salman Hamarneh; to the Committee on the Judiciary.

S. 1927. An act to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes; to the Committee on Agriculture.

S. 2130. An act to repeal certain obsolete provisions of law relating to the mints and assay offices, and for other purposes; to the Committee on Banking and Currency.

S.J. Res. 108. Joint resolution to authorize the presentation of the Distinguished Flying Cross to Maj. Gen. Benjamin D. Foulois, retired; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1290. An act for the relief of Ernest Morris;

H.R. 1612. An act for the relief of Mr. Ernest Hay, Damego, Kans.;

H.R. 2656. An act for the relief of Capt. Leon B. Ketchum;

H.R. 3227. An act to amend section 1732(b) of title 28, United States Code, to permit the photographic reproduction of business records held in a custodial or fiduciary capacity and the introduction of the same in evidence;

H.R. 4030. An act for the relief of Robert A. St. Onge;

H.R. 4640. An act for the relief of the estate of Charles H. Biederman;

H.R. 4659, An act to establish a National Armed Forces Museum Advisory Board of the Smithsonian Institution, to authorize expansion of the Smithsonian Institution's facilities for portraying the contributions of the Armed Forces of the United States and for other purposes;

H.R. 4660. An act to authorize modification of the project Mississippi River between Missouri River and Minneapolis, Minn., damage to levee and drainage districts, with particular reference to the Kings Lake Drainage District, Missouri;

H.R. 6835. An act to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements;

H.R. 7038. An act to eliminate the right of appeal from the Supreme Court of Puerto Rico to the Court of Appeals for the First Circuit;

H.R. 7610. An act for the relief of Joe Kawakami;

H.R. 7724. An act to provide for advances of pay to members of the armed services in cases of emergency evacuation of military dependents from oversea areas and for other purposes; and

H.R. 7864. An act to dissolve Federal Facilities Corporation, and for other purposes;

ADJOURNMENT

Mr. SANTANGELO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 23, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1247. A communication from the President of the United States, transmitting a proposed supplemental appropriation in the amount of $1,200,000 for the Treasury Department, and proposed language provisions for the Treasury Department and the Department of Commerce for the fiscal year 1962 (H. Doc. No. 228); to the Committee on Appropriations and ordered to be printed.

1248. A letter from the National President, Blue Star Mothers of America, Inc., transmitting the 1960 audit report and the 1960 National Convention report of the Blue Star Mothers of America, Inc., pursuant to Public Law 86-653; to the Committee on the District of Columbia.

1249. A letter from the Secretary of State, transmitting the eighth report of the Department of State on its activities under the Federal Property and Administrative Services Act of 1949 for the calendar year 1960, pursuant to Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

1250. A letter from the Assistant Comptroller General of the United States, transmitting the report on our examination of the economic and technical assistance program for Thailand as administered by the International Cooperation Administration (ICA), Department of State, under the mutual security program for fiscal years 1955 through 1960; to the Committee on Government Operations.

1251. A letter from the Secretary of the Army, transmitting a draft of a proposed bill entitled "A bill for the relief of Pepito Guaro Dignadice"; to the Committee on the Judiciary.

1252. A letter from the Secretary of the Air Force, transmitting a report of claims paid by the Department of the Air Force for fiscal year 1961, pursuant to section 2732(f) of title 10, United States Code; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOLL: Committee on the Judiciary. H.R. 7037. A bill to amend section 3238 of title 18, United States Code; without amendment (Rept. No. 1006). Referred to the House Calendar.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8773. A bill to amend section 265 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1016), relating to lump-sum readjustment payments for members of the Reserve components who are involuntarily released from active duty, and for other purposes; without amendment (Rept. No. 1007). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 1777. A bill to amend title 18 of the United States Code to prohibit the counterfeiting of State obligations in certain cases, and for other purposes; with amendment (Rept. No. 1008). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 420. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the effect of aircraft noise on persons and property on the ground; without amendment (Rept. No. 1009). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 424. Resolution for consideration of H.R. 84, a bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes; without amendment (Rept. No. 1010). Referred to the House Calendar.

Mr. TRIMBLE: Committee on Rules. House Resolution 425. Resolution for consideration of H.R. 6360, a bill to authorize an additional Assistant Secretary of Commerce; without amendment (Rept. No. 1011). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 426. Resolution for consideration of House Joint Resolution 438, joint resolution to amend the Securities Exchange Act of 1934 so as to authorize and direct the Securities and Exchange Commission to conduct a study and investigation of the adequacy, for the protection of investors, of the rules of national securities exchanges and national securities associations; without amendment (Rept. No. 1012). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H.R. 8840. A bill to amend the Packers and Stockyards Act, 1921, to permit all packers to engage in retail operations; to the Committee on Agriculture.

By Mr. BENNETT of Florida:

H.R. 8841. A bill to establish a U.S. Peace Agency for World Disarmament and Security; to the Committee on Foreign Affairs.

By Mr. BREEDING:

H.R. 8842. A bill to amend subsection (h) of section 124 of the Agricultural Enabling Amendments Act of 1961; to the Committee on Agriculture.

By Mr. BOLAND:

H.R. 8843. A bill to amend the Railroad Retirement Act of 1937 to provide reduced annuities to male employees who have attained age 62, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H.R. 8844. A bill to help maintain the financial solvency of the Federal Government by reducing nonessential expenditures through reduction in personnel in various agencies of the Federal Government by attrition, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 8845. A bill to amend chapter 73 of title 18, United States Code, with respect to

obstruction of investigations and inquiries; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 8846. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of distributions of stock and dispositions of property made pursuant to orders enforcing the antitrust laws; to the Committee on Ways and Means.

H.R. 8847. A bill to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 8848. A bill to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McVEY:

H.R. 8849. A bill to prohibit the wearing of shorts in the Capitol Building, and for other purposes; to the Committee on Public Works.

By Mr. MONAGAN:

H.R. 8850. A bill to protect the domestic economy, promote the national defense and regulate the foreign commerce of the United States by adjusting conditions of competition between domestic industries and foreign industries, and for other purposes; to the Committee on Ways and Means.

By Mr. MORRISON:

H.R. 8851. A bill to authorize the continuation of certain inspection activities of the Secretary of the Interior; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHWEIKER:

H.R. 8852. A bill to establish a U.S. Disarmament Agency for World Peace and Security; to the Committee on Foreign Affairs.

By Mr. TUPPER:

H.R. 8853. A bill to amend title II of the Social Security Act to include Maine among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen; to the Committee on Ways and Means.

By Mr. COOK:

H.R. 8854. A bill to amend the Merchant Marine Act, 1936, to permit operating and construction differential subsidies to be paid with respect to vessels operating in the domestic commerce of the United States on the Great Lakes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYKIN:

H. Con. Res. 379. Concurrent resolution declaring the sense of the Congress that no further reductions in tariffs be made during the life of the present Reciprocal Trade Agreement Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOGARTY:

H.R. 8855. A bill for the relief of Marie Silva Arruda; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 8856. A bill for the relief of Vassiliki Constantine Poulou; to the Committee on the Judiciary.

By Mr. O'BRIEN of Illinois:

H.R. 8857. A bill for the relief of Dimitrios Delis; to the Committee on the Judiciary.

H.R. 8858. A bill for the relief of Nikolaos Christos Manesiotis; to the Committee on the Judiciary.

H.R. 8859. A bill for the relief of Efthemios Skiftos; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 8860. A bill for the relief of Cordie Martin; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 8861. A bill for the relief of Wilfred N. McKenzie, his wife, Eunice McKenzie, and their minor children, Peter McKenzie and Derek McKenzie; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 8862. A bill for the relief of Miss Eleanore Redi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

207. The SPEAKER presented a petition of Philip Lowenthal, New York, N.Y., relative to a suggestion relating to the retired Federal employees health benefit plan, which was referred to the Committee on Post Office and Civil Service.

SENATE

TUESDAY, AUGUST 22, 1961

(Legislative day of Monday, August 21, 1961)

The Senate met at 10:30 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Father of mankind, to whom all souls are dear, at this altar of Thy restoring grace we bow knowing that in Thy revealing light alone can the bewildering confusions that perplex us be seen in their true perspective.

We come this day grateful for the safe return of the trusted President of this body from a vital sector of the farflung battleline of freedom, as gazing upon the walls and guns of tyranny the gavel in his hand here became the hammer of justice and truth there, where in the name of this free land he sounded forth a trumpet that shall never know retreat.

We rejoice that his words of assurance have set men on their feet as to those who have not Thee in awe and who would coerce the bodies and minds of men he has declared, as did Thy prophet in the long ago:

"Your covenant with death shall be annulled,
Your agreement with hell shall not stand,
Your refuge of lies shall be swept away—
The mouth of the Lord hath spoken it."

We lift our prayer in the name of that Holy One who warned those who degraded human dignity: "I came not to bring peace but a sword." Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 21, 1961, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on August 21, 1961, the President had approved and signed the following acts:

S. 231. An act for the relief of Helga G. F. Koehler; and

S. 700. An act for the relief of Fung Wan (Mrs. Jung Gum Goon).

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry postmaster nominations, which were referred to the Committee on Post Office and Civil Service.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be the usual morning hour, and that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Upon request of Mr. HUMPHREY, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

On request of Mr. HUMPHREY, and by unanimous consent, the Subcommittee on Housing of the Special Committee on the Aging was authorized to meet during the session of the Senate today.

On request of Mr. HUMPHREY, and by unanimous consent, the Flood Control, Rivers, and Harbors Subcommittee of the Committee on Public Works and the Business and Commerce Subcommittee of the Committee on the District of Columbia were authorized to meet during the session of the Senate today.

On request of Mr. HUMPHREY, and by unanimous consent, the Judiciary Subcommittee of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

On request of Mr. HUMPHREY, and by unanimous consent, the Committee on Government Operations was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

DECLARATION AND CHARTER OF PUNTA DEL ESTE

A letter from the Secretary of the Treasury, transmitting, for the information of the Senate, copies of the Declaration and Charter of Punta del Este, signed at the recent Inter-American Economic and Social Council meeting in Uruguay (with accompanying papers); to the Committee on Foreign Relations.